

Can Regional Organisations Socialise States?

- Comparing Human Rights Diffusion in ASEAN and SADC -



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Declaration

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Abstract

The deteriorating human rights situations in Myanmar and Zimbabwe have drawn concerns from the international community. Mainly Western states and NGOs have criticised both governments and urged strong action from the regional organisations, namely ASEAN and SADC. However, because of the deeply rooted non-intervention norm in these regions, Southeast Asia and Southern Africa, the human rights situation in both states long remained serious. Recently however, ASEAN has taken up a strong stance towards Myanmar. On the contrary, SADC has showed reluctance to respond to the human rights violations in Zimbabwe. The question arises why these two regional organisations have showed different responses? In other words, the ASEAN member states have become relaxed and accepted the new human rights norm, discarding the traditional non-intervention norm, while the SADC member states still stick to the norm of non-intervention.

In order to find answers, the focus in this thesis is on the process of socialisation which means that the actors adopt new norms which are also accepted by society as a whole. Three mechanisms which lead to socialisation, namely strategic calculation, role-playing and normative suasion, are discussed. The conclusion reached is that regional organisation can play a role in inducing the member states to accept the new norm, in the process the regional organisation is also socialised through interaction with other international organisations and actors.

Here, historical background, and particularly the process of gaining independence in SADC heavily influenced the socialisation process in this region. SADC member states' liberation struggle against colonialism and apartheid led to the formation of strong bonds among member states that has made it difficult for respective state leaders to criticise each other. Such strong bonds do not exist in Southeast Asia. In Southeast Asia, member states interact actively with external actors such as the EU and NGOs. Thus they become receptive to human rights norms; in turn, the regional organisation itself has been socialised and has become relaxed enough to discard the non-intervention norm. Also an increasingly large middle class has become interested in the human rights situation in its neighbouring countries. These are the factors which have led to the differing responses from ASEAN and SADC to human rights abuses in their regions.

Opsomming

Nadat hulle onafhanklikheid gekry het, het die menseregte situasie in Myanmar en Zimbabwe agteruitgegaan. Die internasionale gemeenskap, meestal Westerse state en nie-regerings organisasies het albei regerings gekritiseer en die streeksorganisasies, naamlik ASEAN en SADC, dringend versoek om streng op te tree. Weens die diep-gewortelde nie-intervensie norm in beide Suidoos-Asië en Suider-Afrika het die menseregte situasie egter lank ernstig gebly. ASEAN het egter meer onlangs sterk standpunt ingeneem teenoor Myanmar. Maar SADC is nog steeds onwillig om te reageer op die menseregte vergrype in Zimbabwe. Die vraag is nou waarom hierdie twee streeksorganisasies so verskillend opgetree het. Die lidstate van ASEAN het ontspanne geraak en die nuwe menseregte norme aanvaar en die tradisionele nie-intervensie norm laat vaar, terwyl SADC lidstate nog hou by die nie-intervensie norm .

In die soek na antwoorde, is die fokus van hierdie tesis op die proses van sosialisering wat beteken dat die akteurs nuwe norme wat deur die internasionale gemeenskap as geheel aanvaar word, aanneem. Die drie meganismes wat lei tot sosialisering, naamlik strategiese berekening, rol-speling en normatiewe oorrading, word bespreek. Die slotsom waartoe gekom word is dat streeksorganisasies 'n rol kan speel in die oorrading van lidstate om die nuwe norm te aanvaar en dat die streeksorganisasies in die proses deur interaksie met ander internasionale organisasies en akteurs, self gesosialiseer word.

Historiese agtergrond en veral die proses waardeur onafhanklikheid in die lande van Suider-Afrika verkry is, het die sosialisasie proses in die area beïnvloed. SADC lidstate se vryheidstryd teen kolonialisme en apartheid het sterk bande tussen lidstate gesmee en dit moeilik gemaak vir die leiers van die state om mekaar te kritiseer. Daar bestaan nie sulke sterk bande in Suidoos-Asië nie. Verder is daar in Suidoos-Asië aktiewe interaksie met ander organisasies soos die Europese Unie en met nie-regerings organisasies. Dus is hulle meer ontvanklik vir menseregte norms. Op hulle beurt is die streeksorganisasies ook gesosialiseer en het hulle ontspanne genoeg geraak om af te sien van die nie-intervensie norm. Die groeiende middelklas het ook geïnteresseerd geraak in die menseregte situasie in hulle eie en in die buurlande. Dit is die faktore wat gelei het tot die verskillende reaksies van ASEAN en SADC tot die menseregte vergrype in hulle onderskeie streke.

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List of Abbreviations

ACHPR	African Charter on Human and People's Rights
AHRB	ASEAN Human Rights Body
AIPMC	ASEAN Inter-Parliamentary Caucus on Burma
AIPPA	Access to Information and Protection of Privacy Act
AMM	ASEAN Ministerial Meeting
APRM	African Peer Review Mechanism
ARF	ASEAN Regional Forum
ASEAN	Association of South East Asian Nations
ASEM	Asia-Europe Meeting
AU	African Union
BSPP	Burmese Socialist People's Party
COREPER	Committee of Permanent Representatives
COSATU	Congress of South African Trade Unions
HRDU	Human Rights Documentation Unit
HSN	Human Security Network
KNU	Karen National Union
MDC	Movement for Democratic Change
MILF	Moro Islamic Liberation Front
NCGUB	National Coalition Government of the Union of Burma
NEPAD	New Partnership for Africa's Development
NLD	National League for Democracy
OAU	Organization of African Unity
POSA	Public Order and Security Act
RC	Revolutionary Council
SACP	South African Communist Party
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference

SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
VAP	Vientiane Action Program
WHO	World Health Organization
ZANU	Zimbabwe African National Union
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union
ZCTU	Zimbabwe Congress of Trade Unions

Maps of ASEAN and SADC





SADC

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1. Introduction

1-1. Background to the Study

The adoption of the Universal Declaration of Human Rights after the Second World War in 1948 is considered as one of milestones of human rights history. The Universal Declaration of Human Rights recognised human rights as “the inherent dignity and the equal and inalienable rights of all members of the human family” (Donnelly, 1999:80). Since then, the declaration has been regarded as universal. However, in reality, it is not accepted universally. Various forms of human rights violations still occur in many regions such as in Asia and Africa. Mainly non-Western countries resist this norm, claiming that it is Western-centric.¹ This claim is based on the belief that “different societies have different bodies of beliefs and practices”, and that therefore there is no way that one society can judge another (Parekh, 1999:133).² This so-called “cultural relativist” approach conflicts with the universalism of human rights.³ One criticism brought against the human rights norm is that it is based on a “hegemonic”, that is, liberal Western model. Sometimes, it is stated that the West judges other societies by their standards and in terms of “the imperial civilising mission” (Parekh, 1999:133).

However, Parekh (1999:122) argues that “an outsider’s judgement of another society’s interpretation of universal values is strengthened if there is internal criticism of the justifications which its own government puts forward”. In other words, cultural relativism loses its validity if there is criticism from inside the country or cultural group which belongs to the same civilisation. Considering that there has been criticism within Asian and African countries

¹ It is often alleged by non-Western states that Western states use intervention as an excuse to achieve strategic and economic ends in the state where human rights violations occurred (Narine, 2005:472).

² For example, in the African context, African societies were characterised as significantly different from the West in their political systems. However, despite their hierarchical structure, traditional political systems were generally governed by broad participation through group representation. This element can be compatible with the principle of democracy based on Western experience (Deng, 2009:30-32). Therefore, what is important is not whether the political structure or cultural practice is Western or non-Western, what is important is that human rights principles should be rooted in the quest for human dignity. In this research, anything that conflicts with this human dignity will be regarded as a human rights violation.

³ According to Parekh (1999:128), the relativists’ view is that “different societies throw up different systems of moral beliefs” and that these are based on their own “history, traditions and geographical circumstances,” amongst others. For example, the universalism of human rights prioritizes the protection of the individual whereas most non-Western countries emphasize community rather than the individual.

regarding their neighbouring countries' human rights situations, the claim that different societies have different ways of dealing with human rights loses ground. The international community, and in its narrowest sense the regional community, should exercise their collective actions to solve the problems.

Against this backdrop, the focus of this research will be on interventions that took place in Southeast Asia and Southern Africa with regard to human rights abuses in Myanmar and Zimbabwe. First of all, in Southeast Asia, Myanmar is notorious for its continual human rights violations.⁴ The human rights violations in Myanmar have their roots in ethnic insurgences and military regimes. Also, economic deterioration has resulted in protests, and these have transformed into political or anti-governmental demonstrations. In response, Myanmar's military regime brutally suppressed anti-government demonstrations. Myanmar drew especially harsh international condemnation in September 2007 when Myanmar's democracy activists, monks and ordinary people took to the streets of Yangon peacefully against their autocratic rulers and the Myanmar government oppressed the peaceful protest. It was reported that 13 people were killed at that time, while the United Nations Human Rights Council said that the death toll was more than what the government had reported ("Myanmar, UN Human Rights Chief Calls for Release of Peaceful Demonstrators", 2007).

The international community responded immediately after the crackdown, held a public hearing, and issued statements expressing its concern. Members of the Association of South East Asian Nations (ASEAN) also strongly criticised the Myanmar government, expressing their revulsion over the military regime's crackdown.⁵ This collective action taken by ASEAN and its member states implies that the existing non-intervention norm which was deeply embedded in this region has changed. Before this, ASEAN's non-intervention norm was criticised as it had discouraged member states from criticising or intervening in other members' internal affairs

⁴ The junta changed the name of the country from Burma to Myanmar in 1989. The capital city, Rangoon also became Yangon. Other geographic locations also adopted English names. This change was recognised by the United Nations (UN), ASEAN and by countries such as France and Japan, but not by the US and the UK. Also, democratic movements prefer the name Burma because they do not accept the legitimacy of the military regime or its right to change the official name of the country ("Should it be Burma or Myanmar?", 2007). This thesis follows the UN and ASEAN's recognition, so the name, Myanmar will be used.

⁵ Current ASEAN member states are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. East Timor will become a member of ASEAN by 2011 (ASEAN, 2010).

(Katanyuu, 2006:826). However, at the 13th Summit of ASEAN in Singapore in 2007, ASEAN leaders agreed to adopt the ASEAN Charter. The Charter called for the establishment of an ASEAN Human Rights Body (AHRB) as a new organ of ASEAN, and in 2009, the AHRB was established (Hao Duy Phan, 2009:469). Given ASEAN's past reluctance to make progress on the issue of human rights, the fact that member states discussed the promotion of human rights, and the establishment of the AHRB was a remarkable development in ASEAN's history (McCarthy, 2009:158).

In the case of Southern Africa, Zimbabwe has also experienced a serious human rights crisis. Amnesty International has documented many cases of political oppression by the dominant party, Zimbabwe African National Union-Patriotic Front (ZANU-PF), such as unlawful killings, torture and the harassment mainly of supporters of the opposition Movement for Democratic Change (MDC). Since 2000, during the presidential and parliamentary elections, the violations were reported to have reached a peak. It is alleged that President Robert Mugabe employed repressive measures to cling to power. In addition to this, the economic collapse of Zimbabwe meant that people's basic needs such as the need for food, healthcare and education were not being met. At the time of independence, Zimbabwe was considered the "bread basket" of Southern Africa, however, the economic system collapsed within a few decades.

In response to the human rights situation in Zimbabwe, Western states and international human rights NGOs such as Amnesty International urged African governments to put pressure on Zimbabwe regarding human rights violations. They urged the regional organisation, the Southern African Development Community (SADC) and the African Union (AU) to do the same at the continental level.⁶ SADC member states discussed the human rights situation in Zimbabwe at annual meetings and extraordinary summits. The aim of these series of meetings was to provide SADC member states with an opportunity to take action on the political and human rights crisis in Zimbabwe. However, there was no specific outcome which addressed the improvement of the human rights crisis in Zimbabwe. This is despite the fact that, Southern Africa has a longer history of officially having the human rights norm adopted, compared to ASEAN member states.

⁶ SADC comprises 15 countries; Angola, Botswana, the Democratic Republic of the Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe (SADC, 2010).

The establishment of the African Charter on Human and People's Rights (ACHPR) in 1981 proves this. This legal framework did not prevail and there has yet to be a successful outcome. At the international level, there were various efforts to pressurise the Mugabe regime, such as sanctions and exclusion from the Commonwealth. Nevertheless, these efforts were in vain, mainly due to the lack of collective action by neighbouring countries (Adelmann, 2004:250-251).

From the discussion above, it can be seen that the responses of the two regional organisations differed considerably. Against this backdrop, the main focus in this study will be to examine why these two regional organisations responded differently to the human rights crises in their respective regions.

1-2. Research Problem

When it comes to the deterioration of the human rights situation in both regions, it is important to note that both regional organisations have stuck to the non-intervention norm since their establishment. For the ASEAN member states, states cannot legitimately intervene in issues that are of domestic concern to another state (Kraft, 2001:39). In the case of SADC, most member states gained independence relatively recently compared to other states in Africa and Asia. This became the grounds for their strong sense of non-intervention and led to their unwillingness to interfere in other members' domestic affairs. However, regarding the human rights violations which took place recently, the two regional organisations have responded differently; that is, ASEAN has changed its traditionally embedded norm. The question asked in this thesis is *why the ASEAN states condemned human rights violations in Myanmar while the SADC states showed reluctance to take action regarding Zimbabwe*.

Both regional organisations, that is, ASEAN and SADC, have a long history in their respective regions. Regarding ASEAN, its initial goal was to establish a loose association stressing economic cooperation. Indonesia, Malaysia, the Philippines, Singapore and Thailand are founding members (Tarling, 1999:287).

Before the formation of ASEAN, the Association of Southeast Asia (ASA) was formed in 1961. Member states were Malaysia, the Philippines and Thailand. At that time, former President Sukarno of Indonesia strongly opposed the creation of ASA. This can be understood in a

historical context, especially when we consider his hostility towards Malaysia. Indonesia was confronted with the formation of Malaysia, and this was linked to the policy of “Konfrontasi” from 1963 to 1966. Sukarno, one of the advocates of the Non-Aligned Movement, considered that not only the formation of Malaysia but also ASA was backed by the British. Since one of the main catchphrases of ASA was “economic development”, he was worried that the ASA member states would heavily rely on the West in order to achieve their goal through the organisation. However, not only the fact that ASA failed to persuade Indonesia to join the organisation but also the territorial disputes between Malaysia and the Philippines caused problems. The creation of a new organisation which would encompass the whole of Southeast Asia was suggested. When Sukarno stepped down, this movement was accelerated (Narine, 2002:12).

ASEAN was established in 1967; however, it was only in 1976 that the member states assembled in Bali for the first summit meeting. Narine (2002: 10) points out that “no tradition of cooperation”, and “a history of dispute” resulted in tension in the region that adversely influenced the member states’ relationships and cooperation.

SADC was established in 1992 and its main goal was to promote economic integration, peace and security, and to alleviate poverty. SADC was originally established as the Southern African Development Coordination Conference (SADCC) in 1980. It was established in order to lessen economic dependence on apartheid South Africa. The transformation of the organisation into SADC took place in 1992. The regional power, South Africa, was included after 1992 (SADC, 2010).

The main reasons for replacing SADCC with SADC were firstly, that there was consensus regarding the marginalisation of the region; secondly, there were political and socio-economic problems transcending each member state’s national borders, which served to highlight the need for cooperation. Finally, with the end of the Cold War and especially apartheid, ideological tension was reduced. Here it should be noted that strong ties involving resistance to apartheid were formed between member states even before the formation of SADC (Nathan, 2006:607-608).

The ASEAN and SADC communities have much in common. Firstly, “human rights” is a new concept in both regional organisations. In the course of regional integration in both regions,

economic development was cited as a top priority. There was less interest in the social aspects, more specifically in human rights. In the case of ASEAN, the concepts of human rights, environment and democracy have only received recognition recently. Before 2007 when ASEAN adopted the new Charter, the words human rights did not even appear in the constitution (Aviel, 2000:18). Also regarding SADC, most of the member states adopted policies to enhance global economic competitiveness, as they were less committed to making changes in socio-political realms such as the area of human rights (Adolfo, 2009).

As seen, neither region has a long history of respect and protection for human rights norms, at least not as the concept is understood in the West (Christie and Roy, 2001:4). Some governments in Southeast Asia have stressed that human rights must be considered in the context of national and regional particularities and various historical cultural and religious backgrounds. Former Prime Minister, Mahathir Mohamad, of Malaysia said that what are claimed to be universal values are in fact of “Western Origin”. Many Southeast Asian leaders argue that human rights are based on Western liberal democratic values and that they are contrary to the indigenous values of Asia that emphasise “community” (Kraft, 2001:34). In 1993, former Minister of Foreign Affairs of Indonesia, Hassan Wirajuda, stated that Asian countries could not accept the individual approach to human rights which is emphasised in the West and they could not disregard the interests of society and nations (Apodaca, 2002:885). Especially Malaysia and Singapore regarded human rights as a “manoeuvre” by the West to achieve political and economic ends. Former Minister of Foreign Affairs of Singapore, Kishore Mahbubani, commented that “all human rights covenants were created when the West was in power” (Asia Society, 2010:29).⁷ With regard to the case of Myanmar, Myanmar’s arrest and detainment of Aung San Suu Kyi is a prominent example that challenges Western values of democracy and human rights.⁸ In this regard, Aung San Suu Kyi states that these arguments based on cultural

⁷ The concept of “Asian Values” was introduced by the Asian Intergovernmental Meeting in Bangkok in 1993. The major argument is that individual autonomy which Western thought emphasises does not reflect Asian values. In Asia, the interpretation of human rights has been controversial. Especially Lee Kwan Yew of Singapore and Mahathir Mohammad of Malaysia argue that human rights should be interpreted by taking each country’s national and regional conditions and values into consideration. However, these arguments have also been criticised. It has been said that these political leaders justified their authoritarian regimes, giving priority to their “development agenda” and resisting the wave of democratisation (Donnelly, 1999).

⁸ To some extent, Aung San Suu Kyi has much in common with Morgan Tsvangirai in Zimbabwe. Both have fought against repressive regimes, leading the opposition parties, and at certain times these opposition parties were strong

relativism are attempts to “block the aspiration of people for democratic institutions and human rights” (Aung San Suu Kyi, 1995:11).⁹

As already mentioned, it can be seen that Africa has a longer history of respect for human rights norms than the ASEAN member states. The adoption of the ACHPR in 1981 can be cited as proof. However, the fact is that only in 1999, when Eritrea ratified the Charter, did it finally attain the full ratification of all member states of the Organization of African Unity (OAU).¹⁰ This shows that it took a long time for the concept of human rights to become widely recognised, and unfortunately the practice of human rights is still not deeply embedded in this region. A lack of knowledge and information is still a barrier preventing African people from claiming and exercising their human rights (Horn, 2009:59). According to Ruppel (2009:292), there are many human rights-related provisions within SADC. However, when it comes to their implementation it appears that they are merely a set of legally-binding platitudes. There exists another explanation why the actual practice of human rights does not enjoy priority. It seems that African countries have been likely to adopt human rights law because they viewed the concept of human rights and others such as good governance and democracy as preconditions for the receipt of aid. Although most countries on the African continent adopted some core aspects of democracy such as the multi-party system, they did not later show full commitment after receiving the aid (Banda, 2006:21).

Bearing in mind that both regional organisations have stuck to the non-intervention norm since their establishment, the focus in this thesis will be on the regional organisations’ socialisation. Socialisation can be defined as the process during which states internalise norms originating elsewhere in the international system (Alderson, 2001:417). In the process of socialisation, regional organisations “universalise” new human rights norms; in other words, they entice states that violate human rights, the so-called target states, to conform to the new norm. This

enough to threaten the regimes, but could not succeed to bring about the change. Aung San Suu Kyi was under house arrest for more or less 14 years, and Morgan Tsvangirai, was arrested and detained several times. Both leaders were strongly supported by Western countries and gained the sympathy of neighbouring states as well. At the moment, Myanmar is planning an election in November in 2010 and Zimbabwe is planning one in 2011. It will be interesting to see the results of these two elections, the roles of the two political symbols and what the future holds for these two countries.

⁹ Her relationship with regional governments in Southeast Asia has been strained by her critical comments on the ASEAN’s policy towards the regime in Myanmar (McCarthy, 2004).

¹⁰ The Africa Union (AU) was later formed as a successor to the OAU in 2002.

socialisation process will be examined by analysing the cases of ASEAN/Myanmar and SADC/Zimbabwe.

1-3. Literature Review

In this section, the focus will be on the theoretical contribution of existing literature. First of all, the focus will be on existing research on ASEAN/Myanmar and SADC/Zimbabwe. The theoretical framework will also be reviewed.

1-3-1. ASEAN and Myanmar

First of all, there are many studies that deal with the origins and the evolution of the ASEAN. In most studies, the main focus is on the security, political and economic aspects of the organisation. Here, Narine's work should be noted. Narine (2002) provides detailed descriptions of all aspects of ASEAN. However, Narine favours the rationalist, or even the realist view. He does not describe how the human rights norm has evolved through interaction between member states.

Zaw (2001) provides profound information about Myanmar and its relations with ASEAN. Zaw deals with the relationship focusing on the various interests of member states and asserts that ASEAN has a moral obligation to assist Myanmar by pointing out that the human rights situation in Myanmar has deteriorated since the regime attained membership of the ASEAN. This will be discussed in detail in Section 3-3-2.

It is only recently that the concept of human rights in this region has enjoyed attention. For example, Apodaca (2002) discusses economic factors such as trade and the impact of foreign investment on the human rights standard in this region. Especially after the Asian financial crisis in 1997, many Asian countries had to adopt transparency and the concept of good governance. Apodaca argues that later this tendency accelerated and this has contributed to the improvement of general human rights conditions in Southeast Asia.

In the same context, Acharya (2004) places importance on the fact that the states in Southeast Asia have become democratised one by one and argues that this has resulted in challenges to the existing "elite-centred" political tradition. Acharya feels the growth of civil society has led to

more openness in ASEAN. Acharya expects that this has helped ASEAN member states to abandon the strong non-intervention norm. Acharya points out that “flexible engagement” allowed member states to comment openly on other states’ internal matters and this has become one of the most significant challenges to ASEAN’s non-intervention tradition.

Many scholars feel that ASEAN will achieve a certain level of regional consciousness and give priority to collective interests over the national interests of member states. Morada (2008) agrees. He argues that when it comes to human rights, several member states are still reluctant to commit themselves. Nevertheless, he forecasts acceptance of the new norm as inevitable in the near future. Nowadays, he asserts that ASEAN can move on to become a “people-centred” regional organisation by including non-state actors.

McCarthy (2009) notes the establishment of the new charter of ASEAN. He argues that ASEAN yielded to internal and external pressure such as regional democratisation. Many member states experienced the growth of civil society. All these pressures forced ASEAN into the new direction; that is, becoming a human-centric regional organisation which focuses more on improving ordinary citizens’ well being in the region, for example, advancing food security, and guaranteeing health security and environmental security. This argument can be understood in the same context as Morada’s.

Katsumata (2004) shows how norms such as human rights and democracy can be adopted despite traditions of non-intervention in Southeast Asia by showing that the environmental problems in Indonesia such the forest fires in 1997 and 1998 had significant social and environmental impacts on neighbouring states. In order to resolve this transnational environmental problem, the collective efforts of all the states were required. This helped the ASEAN member states to begin talking about each other’s domestic issues.

Katanyuu (2006) takes a similar stance to Katsumata’s, showing how a problem of a certain state affects its neighbouring states and how this eventually helps states share a common identity. According to Katanyuu, Thailand’s recent security and social problems are mainly derived from Myanmar. Katanyuu argues that the Thai government’s efforts to resolve these problems became the starting point of the ASEAN member states’ communicating better with each other. In this

process, member states had to become more transparent regarding domestic affairs. He feels that this will eventually bring about cooperation.

1-3-2. SADC and Zimbabwe

Most literature about Zimbabwe deals with South Africa's role in the human rights crisis in Zimbabwe. There are many reviews of South Africa's so-called "quiet diplomacy" and studies of South Africa's foreign policy regarding the human rights issue of Zimbabwe (Alden, 2003; Obe, 2006; Hamill and Hoffman, 2009). Policy reports of the Human Sciences Research Council (2008) express the criticism that both SADC and the AU refrained from condemning the Zimbabwean government and calling for mediation by the continental and regional organisations.

Scholars such as Lipton (2009) argue that there was a lack of cooperative action among neighbouring states and Western actors. She points out that one reason for this is that South Africa and other countries of the South feel that the West uses the goals of good governance and respect for human rights as a neo-colonial device to advance their own interests and retain global dominance.

Regarding SADC's stance, Nathan (2006) focuses on the "absence of common values" among member states. This is a fundamental barrier to "trust", "common policy" and "institutional cohesion" among member states. In other words, the SADC member states still stick to their national interest. Nathan emphasises the role of South Africa as regional key state regarding the improvement of the human rights crisis in Zimbabwe.

Peter-Berries (2002) examines the impact of the Zimbabwean human rights crisis on political, economic and social aspects. For example, Peter-Berries points out that the Zimbabwean situation adversely influenced the reputation of SADC, and the economic development at a regional level. Also, this negatively influenced neighbouring countries' political stability. Peter-Berries' perspective of the impact is based on the rationalist approach. When it comes to the resolution of the issue of Zimbabwe, Peter-Berries emphasises shaming, sanctions and suspension from the international organisation, which is similar to elements of strategic calculation, which will be discussed in Section 2-4-1 and Section 4-3-2.

Recently, Alden (2010) carried out a comparative study of the responses of ASEAN (Myanmar) and the SADC (Zimbabwe) to human rights crises. Alden focuses on how these regional organisations dealt with these two countries, the so called “pariah” states. He points out that regional organisations are generally expected to work as mediators and accept, interpret and implement external norms. Regarding this, Alden argues that regional organisations in Asia and Africa served as “bulwarks”, that is a kind of defensive system against external forces. This view is important because it supports the opinion that existing views of regional organisation are based on the experience of the European Union (EU) and that many scholars apply this without any consideration of the region’s particular historical, political or social context.

This existing literature provides basic information applicable to this thesis. It is also possible to examine what has been done and what needs to be done. Through this process, a new perspective can be synthesised. It is possible to observe that many scholars discuss the Myanmar/ASEAN and Zimbabwe/SADC issues from the realist viewpoint. Nowadays, because the human rights issues in these two states have been drawing much attention, there have been several attempts to approach the issue from the constructivist viewpoint. However, only Alden tries to compare these two states and regional organisations’ responses to human rights. Even though this research provides important insights, he does not describe the process in detail. In order to develop this perspective, it should be approached by applying concepts from constructivism such as norms and socialisation.

Rationalists may argue that states only accept a new norm as a result of a rational cost-benefit analysis and to further their self-interest. For example, regarding the establishment of the AHRB, it is also said that ASEAN member states linked economic gains to creating the human rights mechanism. It should be noted that former Indonesian Foreign Minister, Hassan Wirajuda, admitted in 2006 that, “there is a real and heavy economic cost to impunity in addressing the issue of human rights as an individual state” (Munro, 2009:24). In the case of SADC, it is noteworthy that the protection and promotion of human rights norms will be important in economic development because this can influence the creation of a favourable “investment climate” for foreign investors, something that the region urgently needs (Ruppel, 2009:300).

However, considering that ASEAN's collective action regarding human rights has changed over time, from indifference to active intervention, rationalist approaches that assume "fixed interests" as a given, prevent the meaningful study of the change derived from the socialisation process. Given that ASEAN and its member states now embrace the new norm and discard the existing non-intervention norm, it seems that constructivism can open the way for exploring this change.

According to Onuf (1998:59-66), constructivism posits that people (agents) make society (structure), and society makes people, and this relationship is continuous and reciprocal. Between society and people, there exists another element that links the two, that is, "social rules". These rules (norms) tell people what they should do; in other words, these rules provide standards people should follow. Checkel (2005:804) defines these norms as "collective expectations about proper behaviour for a given identity".

In the process of diffusion of norms, a regional organisation can play a vital role in "inducing" member states to comply. The importance of norms lies in how they become a guide for the behaviour of actors. Norms are necessarily inter-subjectively determined, they are shaped mostly through the interaction of states in international relations (Kraft, 2001:38). Checkel (2005:804) sees this process that entices actors into following the norms and rules of a given community as "socialisation". Checkel (2005:804) also delineates mechanisms which can make socialisation possible, such as strategic calculation, role-playing and normative suasion. These three mechanisms can provide a useful framework for exploring the two regional organisations in terms of socialisation. They will be elaborated in more detail in the literature review section in chapter two.

1-4. Research Methods

This research entails a comparative analysis of Southeast Asia and Southern Africa in a qualitative manner. Comparative researchers examine patterns of similarities and differences across cases. While conducting comparative research, researchers can face several obstacles. A comparative analysis can be challenging in its demand to study a variety of contexts and cases. Sometimes it requires a field trip to a foreign country and the understanding of foreign

languages. Despite these disadvantages, a comparative analysis can indicate different patterns or similarities that may exist within a specific set of cases chosen by a researcher (Ragin, 1994). Also, it is said that a comparative analysis, at the national level, is beneficial to the formation of new policy (Lewis-Beck, Bryman and Liao, 2004:152). Since comparative insights can be gained through the process of comparing and contrasting the different cases, case study will be involved and implemented. In this thesis, the case studies will involve a detailed analysis of the three mechanisms, focusing on the process of socialisation. The differences and similarities which can be found in the process of socialisation will be examined.

This study is also an explanatory study. This is defined as “research with the primary aim of establishing causal relationships between variables” (Bless, Higson-Smith and Kagee, 2006:182). Johnson and Joslyn (1986:17-18) discuss the fact that through explanatory study, a researcher can find a certain reason or explanation for a “behaviour, attitude, or event” and this is the proper method to answer a “why” question. Since in this thesis an answer is sought for the question why two regional organisations responded differently, this explanatory method is suitable.

This research is based largely on secondary sources such as articles in journals and books about Southeast Asia and Southern Africa. Primary sources such as interviews and official records can provide a very close view of a particular event. Despite this benefit of using primary sources, the reason why this thesis relies on secondary sources is that, for example, Myanmar is an isolated and closed country. It would not be possible to access primary sources. In other words, even if it were possible to interview someone like a diplomat, it would have been difficult to hear his or her honest opinion about the human rights situation in Myanmar. Therefore, this thesis had to rely on secondary sources such as political commentary and academic journals. The time span of this case study is mainly from 1990 to the present and work published as recently as 2010 is used. However, a brief discussion of the historical aspect is necessary, especially as both regions’ colonial experience cannot be detached from the current human rights violations.

1-5. Limitations of the Study

When it comes to human rights violations, the general lack of accurate information has been one of the limitations of the study. For example, in the cases of Myanmar and Zimbabwe, due to media censorship, it is difficult to examine the recent situations precisely.

When conducting a case study, it is sometimes difficult to find balanced resources. For example, relatively many studies have been conducted about the responses of ASEAN and its member states to Myanmar's human rights situation. However, there has not been much research into SADC and other member states except South Africa's role in resolving the human rights abuses in Zimbabwe.

Also, there is little concrete data on the ASEAN and the SADC member states' public opinions. It is possible to find and analyse the high profile decision-makers' opinions by looking at their statements. However, if we wish to measure whether human rights norms are fully socialised or not, it is essential that we find some gauge of public opinion. For this reason, it is difficult to measure the level of socialisation. Also, both ASEAN and SADC have been criticised for their lack of transparency in terms of the decision-making process. Important decisions are likely to be discussed between top-officials behind the scenes. Therefore, it is difficult to figure out what precisely was discussed between them.

The socialisation process is a "large zone" to demarcate, in which sometimes two or more mechanisms exert influence at the same time. Also the process of socialisation is a long term process. Therefore, it is difficult to distinguish a long term convergence of state interests from just the establishment of a new human rights body or from enactments.

1-6. Outline of the Study

The thesis consists of five chapters. The first chapter is an introduction to the study. In the introduction, the background to the study and the research problem are provided; furthermore, there is a literature survey, methods and limitations are discussed and an outline of the study is presented. In the second chapter, a theoretical framework on socialisation and its three mechanisms will be presented. Chapter three will consist of a case study of ASEAN and Myanmar. The case study will be a detailed review of the process of socialisation in Southeast Asia. Chapter four will comprise a case study of SADC and Zimbabwe. As in chapter three, in chapter four a detailed analysis of the regional organisation's socialisation in Southern Africa will be done. Finally, chapter five is the conclusion of the study with some lessons learnt and recommendations for further research.

2. Theoretical Framework

2-1. Introduction

Scholars who study the EU have recently put effort into elucidating the causal relationships of socialisation. They focus on individual agents to various sub-organisations of the EU. Hooghe (2005) focuses on the European Commission's role in socialising individual officials. Lewis (2005) studies the Committee of Permanent Representatives (COREPER). His assumption is that the COREPER itself uses a range of mechanisms of socialisation, strategic calculation, role-playing and normative suasion. Schimmelfennig (2005) analyses the process through which Western international institutions influenced Central and Eastern European countries striving for membership. The fundamental assumption of these studies is that institutions, that is, regional organisations, “trigger” socialisation (Zurn and Checkel, 2005, Hooghe, 2005, Lewis, 2005 and Schimmelfennig, 2005). This process of socialisation lies at the centre of constructivism, which is a theoretical approach that emphasises the diffusion of norms. Therefore, it will be helpful to review the existing literature on constructivism and the socialisation of norms and through an evaluation of the literature it will be possible to find ideas that are applicable to this research endeavour.

2-2. The Main Assumptions of Constructivism and Their Application to Norms and Regional Organisations

In this section, firstly, the basic assumption of constructivists will be studied and then the focus will shift to norms which are central to constructivism. Constructivists regard the world as “socially constructed” (Wendt, 1999:429). Here, “socially” means that constructivists give weight to social or subjective forces, not just to objective or material forces as realists do. Constructivists also understand that material forces matter, but they believe that what matters most is “subjective understanding of objective conditions” (Wendt, 1995:78). “Constructed” means that constructivists understand the world as an interactive process between agents and the objective elements of “physical reality”. Constructivists believe that there is a process of mutual constitution between agents and objective forces; the result is the creation of “socially constructed” reality (Flanik, 2009). This perspective contributes in many ways to how scholars regard international relations, global change and transformation (Barnett, 2008:171). Also, it is

important to analyse the various actors from the perspective of the constructivists, which has been overlooked by the state-centric approach of rationalists; namely, that the state is the unilateral actor in international relations. Consequently, constructivism helps us understand the dynamics of interaction between various actors and through this process it is possible to see how new ideas or discourses that shape actors' understanding have emerged and become diffused.

For rationalists, accepting a new norm is related to a state's calculation of self-interest. Especially from the realist's point of view, the distribution of material power among states determines international policy. Therefore, the acceptance of human rights norms will only take place if promoted by a hegemon. Liberalists feel that norms and institutions are a distinctive feature of democracies and they can help to constrain any kinds of conflicts between states. The human rights norm is accepted by establishing human rights instruments, because these instruments can be used by states to protect unstable democratic regimes against non-democratic states (Schmitz and Sikkink, 2002:521-522).

The views of constructivists regarding how states define their interests differ from those of rationalists. Constructivists regard states as "social agents" whose interests and identities are formed, developed and changed in their own environments (Burchill, 2005:198). Furthermore, Finnemore (1996:2-3) claims that the environments in which states are embedded are comprised of a network of various social relations. The actors in this network shape normative concepts about what is good and bad, which in turn influences states' behaviour. Finnemore (Burchill, 2005:201) stresses the importance of this "normative socialisation". International institutions play an important role in spreading this normative socialisation. In order to meet the standards of this normative concept, states that would like to join the institution ultimately participate in regional cooperation. Through this process, a norm can be diffused, which in turn can also consolidate cooperation.

Norms are defined as "inter-subjective" beliefs about the social and natural world that define actors, their situations and the possibilities of action (Wendt, 1995:73-74). Norms channel and regularise behaviour and limit the range of choice (Katzenstein, 1996:5). This guidance is accepted as proper or appropriate and it is based on inter-subjective ideas (Finnemore and Sikkink, 1998:890-894).

These “inter-subjective” beliefs are important to the nature of regional organisation because regional organisation can be where regional identity and a shared sense of belonging is developed. Identity and interests are formed through interactions among actors who are affected by the ideas of others in the regional organisation (Acharya, 2001:22-24).

Rationalists feel that institutions exist because they increase the welfare of a country and can be instrumental in reducing transaction costs. Therefore it is possible to limit sovereignty via coercive mechanisms. However, constructivists focus on inter-subjective beliefs of the group. Members can develop a regional identity and shared interests through interaction; this does not mean reduced sovereignty (Adler, 1997).

2-3. Socialisation

Socialisation is defined as “the process by which people learn to adopt the norms, values, attitudes and behaviour accepted and practiced by the ongoing system” (Freedman and Freedman, 1981:258). According to Barnes, Carter and Skidmore (1980:35), socialisation is defined as the “induction of new members into the ways of behaviour that are preferred in a society”. Checkel (2005) also stresses that socialisation means “the process of inducting individuals into the norms and rules of a given community”. Johnston (2008:20) defines socialisation as “a process by which social interaction leads novices to endorse expected ways of thinking, feeling, and acting.” From these definitions, it is possible to see that socialisation emphasises institutions’ inducting role. Capie also (2007) points out that literature on socialisation emphasises institutions’ inducting role by regarding regional organisations as “norm teachers”. However, Capie argues that institutions should be seen as recipients as well, and furthermore emphasises the roles of institutions as actors that receive, reject and even reframe norms. Capie’s critique is important; it implies that ASEAN and SADC are actors that receive new norms from international society.

The ultimate goal of socialisation is that the norm should have a deep and long-term impact on the identity of the “socialisee” states (Schmitz and Sikkink, 2002:523). Finnemore and Sikkink (1998: 894-905) delineate the process of socialisation by focusing on the diffusion of norms and on introducing the “norm cycle” which shows how norm socialisation develops, how social

interaction takes place regarding norm diffusion, and mainly focus on how in the end international norms affect domestic structural change.

2-4. Mechanisms of Socialisation

In this section the three mechanisms that can result in socialisation and which are discussed above, will be examined in detail. These factors can help us to understand how actors accept new norms, change their behaviour and shape policies that comply with the new norms.

According to Finnemore and Sikkink (1998:906), there are certain conditions that trigger socialisation. First of all, they emphasise the importance of legitimization. In order to enhance its reputation in international society, a state is likely to adopt new international norms. These authors also view prominence as essential. They argue that “some domestic norms appear more likely candidates for internationalisation than others.” As one of the reasons for this, they suggest the “quality” of norm—in other words, the “goodness” or “oughtness” of the norm. Also, Finnemore and Sikkink (1998:906) discuss “hegemonic socialisation”, they say that if norms are accepted by the hegemon, they are likely to gain more influence. Thirdly, they discuss the characteristics of norms, namely the “intrinsic characteristics of the norm”. Norms should be “clear and specific” and “universalism, individualism, voluntaristic authority, rational progress, and world citizenship” all play a role. They suggest that norms underpinned by these principles will be more successful internationally (Finnemore and Sikkink, 1998:907). Also, adjacency is suggested as one of factors. In other words, when the norms fit into existing normative frameworks, they are likely to be more influential. World time context is another important factor. World historical events such as wars or major disasters are likely to trigger the search for new norms (Finnemore and Sikkink, 1998:909). These factors are important when trying to understand how norms can be triggered and diffused. However, they do not fully explain the process of attaining the phase of socialisation. This section will focus on the whole process of socialisation. It must be noted that in order to attain socialisation – that is, a specific outcome from initial conditions – mechanisms which link these causes and effects are needed (Hooghe, 2005).

Finnemore and Sikkink (1998:901) discuss the components of mechanisms as “a combination of material sanctions and symbolic peer pressure among states”. Finnemore and Sikkink also state

that mechanisms can be tangible and intangible, and they can often be a combination of both. In the same context, Checkel (2005) suggests normative suasion, role playing and strategic calculation as mechanisms, and these provide a useful framework for this research.

Ultimately, these mechanisms play important roles to bring about a specific outcome; that is, sustained compliance based on the internalisation of new norms. In other words, the ultimate goal of socialisation is to change actors' behaviour. Socialisation implies that an actor switches from "a logic of consequences" to "a logic of appropriateness" (Checkel, 2005:804). The logic of consequences attributes action to the anticipated costs and benefits. The logic of appropriateness means actors are worried about whether their actions are legitimate or not (Barnett, 2008:163). Simply speaking, when an actor reaches the logic of appropriateness stage, it will be possible to say that the actor is socialised. In this research, socialisation and its mechanisms will be discussed in the sense of an actor's change from "a logic of consequence" to "a logic of appropriateness". In the process, what should be noted is that Checkel's three mechanisms do not need to be ordinal; these three mechanisms can take effect at the same time.

2-4-1. Strategic Calculation

Human rights norms are likely to be regarded as having low priority by governments or elites who are involved in decision-making processes. Falk (1999:17) states that strategic interests are dominant, and that this rationalist mindset limits adoption of human rights norms. However, this calculation can be a starting point. According to Schimmelfennig's (2005) empirical study, Central and Eastern Europe violated liberal norms initially, but they were enticed by the EU's providing conditional membership as a form of material reward, and this resulted in socialisation inside former communist countries.

According to Checkel (2005:804), strategic calculation involves material and social rewards (or punishment). Actually, strategic calculation has its origins in rational theory. This rationalist approach is also emphasised in Keck and Sikkink's research. Keck and Sikkink (1998) suggest "transnational advocacy networks", a combination of local NGOs, international NGOs and Western states to sort out the problems in errant states. This model explains that when a local NGO experiences oppression from a regime, it is likely to seek outside help by linking with other states – mainly Western states. Transnational advocacy networks often use sanctions as tools

(Okafor, 2004:419). As this approach is based on rationalist ideas, it focuses on the coercion mechanism (Johnston, 2001:487). Nevertheless, Checkel and Schimmelfennig (2005) emphasise that normative suasion cannot bring about socialisation on its own. Koh (2005:975) points out that a holistic approach is needed, that means “a combination of norm acceptance, conformity, and self-interest”.

Johnston (2001:487) says that international institutions can direct a state's behaviour in a more cooperative direction through material rewards or punishments. Here, “membership conditionality” by institutions can trigger socialisation in more effective ways on condition that the errant state adopts and complies with the regional organisation's new norm (Checkel, 2005:809). Regarding this membership acceptance, Goodman and Jinks (2004:29) argue that one of its advantages is to expose human rights violation of states to the “regularised communicative” environment by granting membership. This is especially important in the case of Myanmar, which does not have much connection with other international organisations. Opening this country to the communicative environment is crucial. There are other factors as well. Regional organisations can use tactics to limit the participation of states guilty of human rights violations by denying them access to regional and preparatory meetings, rejecting credentials required for participation, limiting voting or speaking rights and adopting extraordinary resolutions such as exclusion from regional organisations, which are related to processes of shaming (Goodman and Jinks, 2004:25).

Even though strategic calculation is related to material coercion, it is possible to see it as social and symbolic. Johnston (2001:499-500) discusses rewards and punishments as components of strategic calculation. These two factors can be symbolic, that is, more social than material; for example, “rewards include international recognition, public praise, and invitations to intergovernmental meetings, and punishments include shaming, and shunning”.

Alone, this mechanism of strategic calculation does not constitute socialisation or internalisation, as there is no switch from a logic of consequences to a logic of appropriateness; in other words, the state still behaves according to its self-interest, calculating cost and benefit. However, strategic calculation can be important as a starting point that brings about socialisation. Because the states still behave according to their self-interests (Checkel, 2005:809).

2-4-2. Role Playing

According to Warkotsch (2004:241), the literature on international socialisation usually distinguishes between two mechanisms namely, strategic calculation and normative suasion. Warkotsch argues that the socialisation process needs to use a more step-by-step or gradual approach since there is a wide gap between strategic calculation and normative suasion. Here, role-playing is useful.

Checkel (2005:810) explains role-playing as “organisational or group environments providing shortcuts, cues, and buffers that can lead to the enactment of particular role conceptions, that is role-playing, among individuals”. He explains that actors adopt certain roles because they are appropriate in that particular setting. It seems actors now think harder about what is “good” or “bad”.

When it comes to this setting, there are two conditions for the actor to adopt certain roles in a particular environment. One is “contact” – and this interaction should be long and sustained. Duration of interaction among actors is significant. Another condition is that contact should be intense. The increased level of interaction between states can increase the possibility of states taking on new norms, leading to an increased probability of interest convergence. In this process “actors can learn other’s expectations through socialisation. Here others can provide symbolic cues to elicit the appropriate behaviour or anticipatory socialisation in which an actor is given an opportunity to try out a role through role-playing” (Thies, 2009:13). Interaction in regional organisations could reduce “uncertainty about the credibility of others’ commitment and thus help actors’ expectations converge around some cooperation outcome” (Martin, 1997).

Checkel (2005:811) also discusses that those who have “extensive previous professional experiences” in regional organisations are more likely to internalise role conceptions to their targets. For example, if there is any experience working multilaterally at the regional level such as policy-making settings, this can lead to more opportunities to socialise. Here, foreign policy-makers such as ministers or diplomats play important roles. For example, if diplomats from Myanmar or Zimbabwe have more opportunities to interact with other states, it is more likely that new norms will be accepted. However, in the cases of these two countries, they have generally denied allegations of human rights abuses and dismissed international pressure. Also, it

is said that their main obligation is to monitor the activities of exiles. Therefore, in this thesis, the focus will be on continual interaction among the members of regional organisations. Their interaction can transmit the new norm at the state level and they are influential in applying new norms to the redefined states' interests within the structure of regional organisations. However, as NGOs have begun to exert more influence in the international realm, their role in creating a new environment cannot be overlooked. Various enactments of laws at the regional level show that most states are now aware of human rights norms. As a result, a highly institutionalised social environment where new information is linked to shared identity provides a proper environment for states to play a role and a cue to re-examine current practices and positions (Goodman and Jinks, 2004: 12). Through this process, role-playing can provide a more communicative environment.

Checkel (2005:812) argues that when role playing occurs, the shift from a logic of consequences toward a logic of appropriateness begins. According to Checkel (2005:812), "while the adoption of a new role may be chosen on the basis of cost and benefit calculations, it may later become an unconscious habit, and compliance with rules and norms may occur in a non-reflective manner". From the perspective of targets, states follow international rules not just because of calculation of how the outcome will affect their interest, but because a repeated habit of obedience within a societal setting socialises them and remakes their interests so that they come to value rule compliance (Kho, 2005:975). Individuals and states take on roles because it is easier to socialise than always to act strategically. This implies that actors are still passive when playing new roles, not spontaneously accepting of them. However, this role-playing may later become perceived as "taken-for-granted".

2-4-3. Normative Suasion

While rationalists focus on the material aspects of socialisation mechanisms, constructivists regard persuasion as the central part of socialisation. Normative suasion means that "rational" (strategic calculation) and "communicative" (role playing) actors redefine their interests through persuasion by other actors and conform to the new norm. Goodman and Jinks (2004:11) argue that suasion is not simply a process of manipulating exogenous incentives to elicit behaviour from the other side. Rather, it requires deliberation in an effort to change the minds of others and to persuade actors to internalise new norms of appropriateness.

Warkotsch (2008:241) argues that normative suasion is engagement between “socialisers” and “socialisees”, a process of trying to persuade and convince the socialisees through argument that their (the socialisers’) interests and preferences are the “correct” ones. Warkotsch says that through this process, the socialisees are persuaded by the legitimacy or the validity of the socialisers’ claims and change their identities and interests accordingly.

Lewis (2005:939) argues that unlike the other two mechanisms, normative suasion brings about change of interests. Lewis argues that as an outcome of normative suasion, not only the actors’ behavioural adaption including altered strategies takes place, but the actor also expands its conception of itself. In the end, the whole group starts redefining a national position or reshaping domestic constraints (Lewis, 2005:951). There are many ways to reach a logic of appropriateness. However, following a logic of appropriateness may go beyond strategic calculation and role playing and imply that actors accept organisational norms as “the right thing to do”.

According to Checkel (2005:812), when normative suasion takes place, member states become proactive and adjust themselves in order to internalise new norms and at this stage the switch from a logic of consequences to one of appropriateness is complete. In other words, as an outcome of socialisation, states internalise the standards of groups or communities.

The three mechanisms mentioned above can provide a useful framework for examining the two cases in this study. However, the literature discussed here deals mainly with the EU. Considering the EU’s degree of integration, its characteristics as an institution that leads to socialisation will differ from those of Southeast Asia and Southern Africa. This difference will be highlighted in the case studies.

2-5. Conclusion

In this chapter a review of the main assumption of constructivism, its relation to regional organisations, socialisation and the three main mechanisms as posited by Checkel, is given. What is essential for this thesis regarding constructivism is that constructivists see that norms can influence states’ behaviour through their impact on the states’ interests, and furthermore states’ identity. Also, it is noticeable that when norms spread, a regional organisation can play an

important role by providing new guidelines or a new environment for states. This can eventually lead to socialisation.

Mainly based on the experience of the EU, scholars have figured out the mechanisms which can result in socialisation. They are strategic calculation, role-playing and normative suasion. Considering that the level of regional integration in both Southeast Asia and Southern Africa is far behind that of the EU, the elements such as strategic calculation which can make initial cooperation possible, are significant. Here, what should be noted is that constructivists accept the role of material factors such as rewards and punishment, the components of strategic calculation. Constructivists consider that these can trigger socialisation. The framework – which consists of these three mechanisms, strategic calculation, role-playing and normative suasion - will be further elaborated upon during the discussion of ASEAN/Myanmar and SADC/Zimbabwe. Moreover, it is also noticeable that a diverse range of actors including state actors and non-state actors are involved in the process of socialisation. Therefore, in the next chapters there will be a discussion of how these actors share common values and resources and exchange information in order to resolve the dire human rights situation in Myanmar and Zimbabwe. In the course of analysis, it will be possible to figure out how the regional organisations in both regions help various actors shape new ideas, that is new human rights norms, which did not exist in these regions in the past.

3. Myanmar and ASEAN

3-1. Introduction

Myanmar's repressive regime and its oppression of pro-democracy movements have aroused the concern of the international community. There have been continual sanctions and strong condemnation from mainly Western states and international human rights NGOs, such as Amnesty International and Human Rights Watch, with the purpose of improving the situation regarding human rights in Myanmar. Recently, these actors have begun to target not only Myanmar but also the regional organisation that Myanmar belongs to, namely ASEAN, urging it to take strong action. In response, ASEAN and its member states have shown different reactions over time, ranging from defensive reactions including self-justification, to adaptive responses like showing criticism of the regime in Myanmar, which represents a break with the traditional norm of non-intervention in this region.

ASEAN has upheld the norm of non-intervention since its establishment. However, recently, in response to the human rights abuses in Myanmar, it seems that ASEAN has accepted humanitarian intervention as a new norm in Southeast Asia, which has led ASEAN states to change their approach officially calling for the regime in Myanmar to solve the human rights situation peacefully (Charney, 2009:185). This collective action taken by ASEAN member states implies that the existing non-intervention norm which was deeply embedded in this region, has changed. Moreover, this new attitude led to the establishment of the AHRB in 2009 (McCarthy, 2009:158).

In this section, the focus will be firstly on Myanmar's human rights violations since its independence to the present. Secondly, ASEAN and its member states' responses will be analysed using the theoretical framework discussed in the previous section; that is, strategic calculation, role-playing and normative suasion.

3-2. Background to the Issue of Myanmar

3-2-1. British Colonialism and Ethnic Factions

In this section, the background to the the human rights violations in Myanmar will be discussed. Human rights violations after independence in 1948 will be discussed from political and economic perspectives. It will, however, be necessary to look first at the influence of British rule on Myanmar. Myanmar's volatile socio-political situation is, to some extent, the result of ethnic conflicts that have their roots in the independence period, and it is often said that British rule adversely affected ethnic factions in Myanmar. The divide-and-rule policy of British colonialism was intended to create or encourage divisions among the ethnic groups in order to prevent them from forming alliances. It is said that this policy became an impediment to creating a unified sense of "nationhood" after independence (Shah, 2001).¹¹

There is another historical legacy of British colonialism. In the course of nation-building, several ethnic groups became marginalised by the new constitution and expressed their discontent through rebellions against the government. The prominent example is the Karen. Here, the problem is that the British used the Karen in their campaign against Japan during the Second World War. To do so, the British provided the Karen with military training and arms. After independence, they were not completely disarmed. This combined with the fragmented tendency towards nation-building discussed above, encouraged them to seek autonomy and they chose to use violence to gain independence. The Karen National Union (KNU) is the largest insurgent group and continues to fight against the regime. By the end of 2003, the KNU and the government agreed on a verbal ceasefire, and formal ceasefire discussions commenced early in 2004. Nevertheless, in 2005, the government launched its largest military campaign in Karen State. During the attacks, Karen villages and their inhabitants were seriously damaged, and operations resulted in large scale of human rights abuses and it is reported that the attacks have

¹¹ Ethnic minorities make up about a third of Myanmar's population. Myanmar's population is now estimated at over 48 million, thus, more or less 16 million of the population belong to ethnic minorities, more specifically, Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5%. These ethnic minorities live throughout Myanmar, however, they are concentrated mainly in the seven divisions named after the ethnic groups (CIA World Factbook, 2010).

continued. In these circumstances minority communities were forced to move.¹² Unlawful killings, torture, disappearances, and the destruction or confiscation of crops and food-stocks were continually carried out. This repression was committed in order to block the insurgence from spreading from Karen to other ethnic groups (HRDU, 2009: 21).¹³

Facing resistance from ethnic minorities, the successive governments in Myanmar used various methods, not only repression but also economic deprivation and cultural assimilation. Especially cultural assimilation was used to integrate ethnic minority groups into the Buddhist Burman majority. This is referred to as “Burmanisation”. During the process of Burmanisation, Christian Chins and Muslim Rohingya had extreme difficulty in practising their religions.¹⁴ Governments also prohibited the wearing of traditional costume, the performance of traditional ceremonies, and the learning of ethnic languages. In this repressive environment, many ethnic groups followed the example of the people of Karen and chose rebellious ways to oppose the central Burman-dominated government. This was regarded as a serious threat to the state’s security, and successive governments have justified their suppression as necessary to maintain social order and national unity (Cheeppensook, 2007:6).

3-2-2. Political Repression under Military Regimes

Immediately after independence, during the constitutional period Myanmar was ruled by a democratic, parliamentary government. However, in 1962, when Ne Win came to power by coup, he built up the army to maintain his rule. Ne Win maintained his power by establishing a Revolutionary Council (RC), this RC established the Burmese Socialist People’s Party (BSPP) and it became the only legitimate political party in the country. In 1971, the BSPP made a gesture to transform itself into a civilian government, however, it still retained the same military

¹² In the aftermath of attacks, a massive exodus of refugees took place. The 2009 World Refugee Survey shows that there were 750,000 refugees from Myanmar. More than a half headed for Thailand. Also a lot of refugees fled into Bangladesh and India across shared borders (US Committee for Refugees and Immigrants, 2009).

¹³ The Human Rights Documentation Unit (HRDU) is one of the divisions of the NCGUB. This exile government, the NCGUB, headquartered in the US, publishes a report titled the Burma Human Rights Yearbook since 1994, reporting the situation in Myanmar (NCGUB, 2010).

¹⁴ It is alleged that in the process of Burmanisation, the Muslim community has suffered the most serious persecution. In 1978 the people of Arakan took part in one of the greatest refugee exoduses, over 200,000 Arakanese Muslims fled into Bangladesh (Berlie, 2008:47).

rulers. A new constitution in 1974 further strengthened BSPP's position as the only legal political party in the country (HRDU, 2009:8).

In these circumstances, the government faced protests by workers and students calling for political rights. In response, Ne Win repressed these political movements, and increased its methods of political and social control. As a form of political oppression, the media was censored. The regime did not want the press to play a political role and criticise the regime (Charney, 2009:111). At that time, the government also closed the universities because it believed that foreign ideologies, such as democracy, were interfering with its domestic politics (Charney, 2009:115). By eliminating the freedom of the press and hampering the spread of democracy by education, the government tried to block the spread of discontent among the public.

In July 1988, the BSPP appointed Sein Lwin as the new party head and later president. A month later, on the 8th of August, students and activists organised a peaceful nationwide protest to demonstrate their opposition to continued military rule. This was later called the 8888 uprising, named after the year and date when it took place. The police and military responded to the protests with force, killing at least 20 people, mainly students, and arresting hundreds of others. Later, the movement became stronger. The demand for political change became unified and spread all over the country (HRDU, 2009:12).

Shortly after the 8888 uprising, the BSPP was dissolved and its President, Sein Lwin, was replaced by a civilian lawyer named Maung Maung, one of Ne Win's allies. Even though there was now a civilian president, the new government was also criticised as the new president was also responsible for human rights abuses. In any case, this new government proved to be only a temporary government. The military regained power through a bloody coup. The revived military regime took control and established itself as the State Law and Order Restoration Council (SLORC) (Charney, 2009:150-160).

In September 1988, the SLORC publicly declared that the series of military interventions was to restore law and order, improve the economic conditions of the people, and organise multiparty elections as soon as possible. However, the SLORC repressed the campaigns of its political opponents, particularly the National League for Democracy (NLD), led by Aung San Suu Kyi,

daughter of Myanmar's independence hero, General Aung San.¹⁵ In 1989, the SLORC placed Aung San Suu Kyi under house arrest and disqualified her from participating in the elections (HRDU, 2009:12). This is one of the reasons why Myanmar was criticised by the international community which put importance on liberty and participation in political life, and also aimed to protect individuals from excesses by the state.

In spite of all the interference, such as the suppression of the NLD's leaders and supporters, the NLD achieved a complete victory in the elections in 1990, winning 392 of the 485 seats. However, the SLORC refused to step down from power. The elections were nullified, all opposition parties were banned and their members were arrested (Amnesty International, 2009). As a result of this, numerous of those elected in the election in 1990 were exiled. Several exiled political groups settled abroad and actively take part in political activities, bringing the situation in Myanmar to the attention of the international community (HRDU, 2009:13).

In November 1997, the SLORC was reorganised and renamed the State Peace and Development Council (SPDC). Although a few new members were nominated to serve in the government, the SPDC was intrinsically the same as the SLORC. In 2000, the SPDC initiated a major crackdown on NLD leaders and Aung San Suu Kyi was again placed under house arrest (HRDU, 2009:16). Later, as a result of international and regional pressure, there was a slight improvement in the human rights situation in Myanmar, with for example Aung San Suu Kyi being released (Zaw, 2001:46). However, the regime repeatedly laid charges against Aung San Suu Kyi and the talks between Aung San Suu Kyi and the junta, which were facilitated by the UN envoys, did not have a successful outcome (Ardeth Maung Thawngmung, 2003:457). The regime in Myanmar can be criticised in that it used Aung San Suu Kyi's repeated release and detainment in order to gain leverage for dealing with pressure from international and regional communities. After the 2000 crackdown on the NLD, international pressure calling for the improvement of the country's human rights record increased. The EU had actually already adopted a related rule in the late 1990s known as a Common Position on Burma. A ban on the sale or transfer of arms and weapons to the country, visa restrictions on members of the military regime and their families

¹⁵ General Aung San is regarded as the one who brought about Myanmar's independence from British colonial rule. The military regimes tried to eradicate all traces of Aung San's legacy (Smith, 1991:198). In that sense, the repression of Aung San Suu Kyi can be understood as a continuation of the eradication of the legacy of General Aung San.

and allies, and a freeze on overseas assets were imposed. The EU also suspended all bilateral aid. The sanctions were extended after the regime violently suppressed anti-government protests in 2007 to include a ban on the import of gems, timber and metals, major export products of Myanmar. The US imposed an arms embargo on Myanmar in 1993 and then widened its sanctions to include all new investment in Myanmar. In 2003, the Burma Freedom and Democracy Act banned imports from the country including major products, as the EU had done. The act also restricted financial transactions, froze the assets of the regime and extended visa restrictions on officials. Australia and New Zealand took similar actions, such as visa restrictions, in order to isolate the regime in Myanmar (“Overview of Burma Sanctions”, 2009).¹⁶ These external pressures temporarily forced the SPDC to release political prisoners, and this was seen as a sign of change in the regime. However, the regime continued to monitor its political opponents and build up aggression towards other ethnic groups. The fundamental political situation remained the same.

3-2-3. Economic Deterioration

It is said that Myanmar has a rich endowment of agricultural, mining and forestry resources which can attract many foreign investors and this could be a driving force of economic development. However, the policy of nationalisation blocked the involvement of foreign businesses and this had a negative effect on the economy. Also, government spending priorities were skewed towards the military and basic services such as health and education were neglected. The budget for the Ministry of Health in the 2006-2007 accounted for only 0.8% of the total national budget and the budget for the Ministry of Education accounted for 1.9% (HRDU,

¹⁶ Despite these economic sanctions, the cases of Myanmar and Zimbabwe show that so-called international pariah states can survive. Myanmar and Zimbabwe have both had sanctions imposed on them, but they have found alternative means of survival. For example, in the case of Myanmar, the regime has been involved in drug production and trafficking. Also, when sanctions were imposed, neighbouring states that were interested in Myanmar’s natural resources, rendered help. Other Asian countries such as China, Japan and South Korea enjoyed trading with and investing in Myanmar (Robinson, 1996:90). It is said that the share of Asian trading partners in Myanmar’s total trade rose from 67% in 2000 to 82% in 2005 (Alamgir, 2008:987). In the case of Zimbabwe, other neighbouring countries also suffered economic hardship and inter-SADC trade was small, therefore, it is difficult to figure out economically how neighbouring countries have helped. However, recently, Chinese support can be seen as the decisive factor that has made the Mugabe regime’s survival possible. Based on these cases, it can be said that sanctions from Western countries did not provide the best solution for improving human rights records in both countries.

2008).¹⁷ In comparison, Vietnam, another member of ASEAN, spent 20% on education and 8% on health in 2008 (ASEAN, 2009). This shows that the junta has failed in its responsibility to provide the people with human security – that is anything that affects people’s quality of life. In the case of Myanmar, even security is not guaranteed due to the ongoing conflicts.¹⁸

In 2009, the GDP per capita of Myanmar was US\$ 465, and Myanmar was the poorest country in the ASEAN (ASEAN, 2009).¹⁹ Accurate figures for its military spending are not available, however several organisations including the Soros Foundation report that around 40 percent of its GDP is spent on military matters (“Burma Threatens Thailand's stability: Bangkok Governor”, 2009). According to Roughneen from The Irrawaddy (2009), a Myanmar newspaper based in Thailand, North Korea – another of the pariah states – spends on or around 30%, which means therefore that the figure for Myanmar is very high. Lack of progress towards political reform, poor economic performance, and international sanctions have negatively contributed to the situation of Myanmar. The continued public protest and ethnic resistance have contributed to this as well. While the regime poured its budget into military expenditure, the other public sectors were negatively affected by limited resources, and thus the people’s living conditions deteriorated. In contrast, it is pointed out that the military enjoy economic privileges and lucrative profits from arms and drug trafficking, and the smuggling of other natural resources, among other illicit economic activities (HRDU, 2007:32).²⁰

It is important to revisit some central political conjunctures in order to contextualise the state of Myanmar today. Beginning in 1962, when the government adopted the slogan, “The Burmese

¹⁷ Even though Vietnam has a two times higher GDP per capita, US\$ 1053, than Myanmar, compared to other ASEAN member states, it belongs to the lower income group with Laos (US\$ 918) and Cambodia (US\$ 756). The GDP per capita of Singapore is US\$ 37,692, that of Brunei Darussalam is US\$ 35,623, and that of Malaysia is US\$ 7,920. The average of the ASEAN is US\$ 2,577 (ASEAN, 2009).

¹⁸ The Human Development Report of 1994, addresses the concept of human security by redefining security as being primarily concerned with people and development. Human security is defined as “the security of people, including their physical safety, their economic and social well-being, respect for their dignity, and the protection of their human rights” (Baylis, Smith, and Owens, 2008:581).

¹⁹ According to the IMF data in 2009, it was ranked 165 out of 180 countries in the world in terms of the GDP per capita (IMF, 2009).

²⁰ When it comes to drug trafficking, it is said that in 1998 Myanmar produced 33% of the world’s supply of Heroin. It is widely believed that the regime was involved in the production and trade thereof (HRDU, 2008:215).

Way to Socialism”, it rapidly nationalised and assumed direct control of the economy.²¹ However, the regime could not make socio-economic progress as promised. This contributed to the dissatisfaction with the regime’s performance, and led to economic protests. Charney (2009:147) argues that these economic protests were transformed into a political movement.

In 1987, Ne Win declared that the government would push forward with economic reforms. However, these economic policies were misguided and haphazard. One of the prominent examples is that in 1987 the government pushed through the overnight demonetisation, which means ceasing to produce and circulate certain units of currency, at that time, 100, 75, 35 and 25 Kyats. The problem was these were demonetised without compensation, leaving only 45 and 90 Kyat notes (Haseman, 1988:223-224).²² In these circumstances, in 1988, wide protests spread throughout the country. This 8888 uprising was discussed in the previous section, but what should not be overlooked is that the fundamental reason for the uprising was this economic deterioration.

It is often said that sanctions and other efforts to isolate the regime from international society negatively affected the ordinary people, and resulted in an increase in poverty (Seekins, 2005: 440). For example, the US embargo during the 2000s targeted mainly the garment industry. Sanctions seriously damaged the garment industry, consisting mainly of small and medium-sized firms. The garment industry in Myanmar grew strongly throughout the 1990s. The garment export share of Myanmar’s total exports increased from 2.5% in 1990 to 39.5% in 2000. Here the US was the largest market, absorbing 54.1% of Myanmar’s garment exports in 2000 (Kudo, 2008:998). Therefore, sanctions on the garment industry were expected to weaken the regime and encourage political change. However this policy resulted in social problems. For example, most of the employees were young females. Because of sanctions from the US, these workers lost their jobs and in order to provide income, they were often forced to resort to prostitution (Asia Society, 2010:67).

²¹ The aim of the “Burmese Way to Socialism” was to give Myanmar control over its economy. As a result of this, foreign businesses and banks were nationalised. An estimated 300,000 Indians and 100,000 Chinese participated in a large part of the economy left by Myanmar during the 1963-67 nationalisation programmes (Tarling, 1999:281).

²² As can be seen these two numbers can be divided by nine and several activists argue that Ne Win believed that these are his lucky numbers. Considering the characteristics of the autocratic regime, the leaders of which believe that personal power can be used to achieve personal enrichment or political goals, these arguments might be true.

Then, in August and September 2007 something took place that attracted much attention from the international community. At about this time, the sharp increase in food, fuel and commodity prices had upset the people. This triggered a series of protests led by students and opposition political activists. Later thousands of Buddhist monks joined the protests as well. It is said that since the fuel price had risen, many civilians were no longer able to support the monks in addition to their own families. That became the starting point of the participation of the Buddhist monks in anti-governmental protest. Considering that Buddhism play an integral role in Myanmar's predominantly Buddhist society, and understanding that governments regularly showed their homage to monks, the participation of the monks in the protest movement was significant (HRDU, 2007:74).²³ Their participation served to legitimise and reinvigorate the protest movement. Some news reports referred to the protests as the "Saffron Revolution" because of the colour of the monks' robes (Charney, 2009:196). The Myanmar government cracked down on the peaceful protest. There were numerous reports of monks being abused during arrest, interrogation and in detention (Human Rights Watch, 2007).

At that time, the government controlled and blocked internet access and telecommunications. In other words, it monopolised all means of communication inside the country so that news of the repression could not be accessible outside of the country. However, at that time, a Japanese journalist was shot by a soldier and this was leaked by other journalists ("Blood Flows in Burma Revolt", 2007). The Japanese government and the Japanese media responded immediately after the crackdown and issued statements expressing their concern. Japan, Myanmar's largest foreign aid donor, donating about US\$25 million in 2006, also cut aid to Myanmar in October 2007, following the death of this journalist (Human Rights Watch, 2007).

There is a prominent example that shows how the economic deterioration became serious in Myanmar. In May 2008, Tropical Cyclone Nargis struck the coastline of Myanmar. This was the most catastrophic natural disaster in Myanmar's history and the second deadliest cyclone in the world's recorded history. According to the UN, more or less 2.4 million people from those areas were adversely affected by the cyclone. It has been estimated that at least 140,000 people died

²³ Actually, the successive regimes have sponsored Buddhism in Myanmar publicly. Nevertheless, monks are prohibited from participating in non-religious activities, that is political activities (HRDU, 2007:74).

and more or less one million were displaced (HRDU, 2008:i). When the international community wanted to help Myanmar, the SPDC rejected the offer for assistance. Offers from the UN were turned down and visas for aid workers were rejected. When foreign aid workers were eventually allowed into the country, they were not allowed access to the worst affected areas and relief supplies were misappropriated by the military. The government was criticised for not wanting to reveal how serious the situation was. Meanwhile, its people desperately needed help and were left without any protection (HRDU, 2008: 25).

In the aftermath of this natural disaster, the Irrawaddy Delta, which produces most of Myanmar's rice, was largely destroyed. This massive destruction of farmland brought about food shortages, and commodity prices rose (Seekins, 2009:167). The devastation left many people, particularly children, in a desperate situation. There was reportedly a vast increase in the extent of human trafficking after Cyclone Nargis (HRDU, 2008:244). Cyclone victims in townships across Yangon were forced into unpaid reconstruction work. This means that many people were prevented from carrying out their normal work and, therefore, from earning any income (HRDU, 2008:353).

As discussed already, Myanmar has undergone severe political repression. Especially, ethnic minority groups which advocate segregation have suffered massive human rights abuses including large scale military action accompanied by killings, torture, rape, and other kinds of violence. Also the regime repressed the political opposition party by banning political activities and placing the opposition leader under house arrest for decades. At the same time, the mismanagement of economic policies by the regime, such as nationalisation, demonetisation, and heavy spending on military matters which resulted in the deterioration of the other public sector, paralysed the whole economy of the country. Sanctions which were imposed by the West aiming to improve the human rights situation could not succeed, but rather made ordinary people's lives even worse. The public discontent resulting from these, fuelled anti-government movements. To counter this, the regime's responses became utterly ruthless. All these situations finally made the ASEAN member states involve themselves in improving the situation of Myanmar.

3-3. Strategic Calculation

Myanmar has been under military governments for more than half a century. The BSPP, the SLORC and the SPDC have maintained power by force. As a result of the demand for political change and improvement of economic conditions, these regimes promised a new constitution. However, these promises were repeatedly unfulfilled. During this process, the international community also repeatedly imposed sanctions, which led to further hardship for ordinary people. It is possible to observe that Myanmar is unable to protect its people. The regimes have failed to provide not only physical security, but people have also been suffering from hunger and been denied basic rights, fundamental human dignity. Considering the government in Myanmar's unwillingness and lack of capacity, the responsibility falls beyond a single state. In such circumstances, in order to advance human rights, the role of neighbouring countries as well as the regional organisation is essential. In this section, the response from and policies of Myanmar's neighbouring countries, and ASEAN will be analysed. Considering that the case of Myanmar is intricately linked with the interests of other states, how did the interests of other states evolve, and how and to what extent did they end up intervening? In order to answer the above question, it is important to consider the process of socialisation. The steps leading to full socialisation include: strategic calculation, role-playing and normative suasion.

3-3-1. States' Self-interest and the Non-intervention Norm in Southeast Asia

Before discussing the socialisation process in detail, it is important to discuss impediments to socialisation. One of the major obstacles was the fact that neighbouring states were very concerned with their own self-interest. They were reluctant to interfere if this was incompatible with their own interests. Narine (1998:195) criticises this behaviour of member states as a "narrow understanding of self-interest", which has led to disunity in ASEAN and has interfered with its function. Narine (2002:31) takes his argument further and says that ASEAN followed a policy of "cautious diplomacy". For example, difficult issues such as conflicts were dealt with by postponing discussion. As a result, ASEAN was not able to resolve as many issues as it should have.

Several incidents show how ASEAN member states pursued their own interests despite the serious deterioration of the human rights situation in Myanmar. Thailand is criticised because it allowed the military of Myanmar to use Thai territory during operations against the Karen's armed resistance so that their relationship with Myanmar would not deteriorate (Moller, 1998:1089). Here, it should be noted that Thailand was one of Myanmar's largest trade partners, buying 44% of Myanmar's exports during 2001-2005 (Alamgir, 2008:986). Malaysia was the first ASEAN country to send an ambassador to Myanmar. The motive was trade with Myanmar as well. Other member states of ASEAN such as Singapore and Indonesia were also interested in trade with Myanmar, as they regard Myanmar as a new market (Narine, 2002:114). Considering that most of the businesses and banks in Myanmar are owned by the regime, neighbouring states have to curry favour with the regime in order to be granted business opportunities. Neighbouring states' economic interests were prioritised at the cost of human rights.

Cheppensook (2007:1) points to the social and economic backlash from the 1997 Asian financial crisis as one of impediments to improving the human rights situation in Myanmar. Before the crisis, the ASEAN member states were more likely to accept the "human-centric" or "human-security" norm of the international community. External pressure from other international organisations such as the UN and the EU played an important role in inducing norms supporting human security in ASEAN. Furthermore, NGOs and academics, that is so-called "norm entrepreneurs", have attempted to convince states to embrace new norms. The Manila Declaration (1987) and the Singapore Declaration (1992) show that the ASEAN encouraged wide involvement and participation of NGOs (Aviel, 2000). Both emphasised the involvement of NGOs especially in the area of human rights, specifically the area of women, youth and the environment. However, the financial crisis made member states concentrate on their own domestic problems. Also, it is said that the 9/11 terrorist attack in the US negatively affected ASEAN member states, which following the event reverted to being state-centric in their approach, which means that the states narrowed the scope of security. The concept of security was now limited to protecting their citizens against external threats only. Despite the general commitment to human rights protection over the years, the 9/11 terrorism attacks proved that national security came before human-security (Cheppensook, 2007:15). Most of the countries in Southeast Asia have been criticised for wanting to maintain their status quo in the fast-changing international environment (Asia Society, 2010:108). For these reasons, ASEAN

could not take collective action to bring about political change and improvement in the human condition of the people.

ASEAN and member states have kept to the non-intervention norm. It is noted that the principle of Thailand's foreign policy is "not making enemies out of next-door neighbours." (Asia Society, 2010:106). Also, the former Indonesian Foreign Minister, Ali Alatas, said, "we can talk about certain problems that are transnational in nature. But if we start talking about how a country must run affairs like democratisation and human rights, then we are getting into trouble" (Katsumata, 2004:251). On the basis of these embedded ideas of non-intervention, states promoted their ability to act separately. Traditional rivalry also promoted the norm of non-intervention. For example, there were territorial/ethnic disputes between Indonesia and Malaysia, Malaysia and Singapore and Malaysia and the Philippines. This can be confirmed by Konfrontasi. In contrast, there is solidarity between the members of SADC, mostly because the liberation movements helped one another during the anti-colonial and anti-apartheid struggles (see Section 4-4-1). Narine (2002:196) suggests that the hostility between member states of ASEAN adversely affected a sense of regional solidarity and played a role in their non-intervention in the human rights abuses in Myanmar.

Nevertheless, recently, ASEAN and its member states have realised the importance of resolving the human rights crisis in Myanmar and they have tried to change Myanmar's behaviour by opening the country to the international community. Especially, Thailand and the Philippines advocated changes in ASEAN's traditional diplomacy. In 1998, then Foreign Minister of Thailand, Surin Pitsuwan, suggested that ASEAN review the existing non-intervention norm. This proposal of so-called "flexible engagement" showed that the traditional behaviour of ASEAN was being challenged and can be seen as the starting point of socialisation (see Section 3-4-1).²⁴ It is however criticised when ASEAN member states had human rights initiatives that, although many measures were taken, member states focused on improving their own national image rather than resolving the root causes of the crises (Robinson, 1996:75; Jones, 2007:6).

²⁴ Initially, many objections to flexible engagement emerged from almost all ASEAN member states. The proposal for flexible engagement was subsequently toned down to an "enhanced interaction"; its remaining non-intervention norm was eventually adopted by ASEAN (Haacke, 1999:598).

3-3-2. Rewards and Punishments

In this section the focus will be on what kinds of rewards and punishments have been given by ASEAN. Also, the reason why ASEAN decided to include Myanmar in ASEAN and the process followed will be discussed. Even though its neighbouring states were interested in trade, mostly bilateral, with Myanmar, its economic collapse under the military regime offered the ASEAN member states little economic motivation for engagement (Zaw, 2001:38). However, ASEAN realised that in order to remain competitive and attractive as an investment area, its enlargement to include all of Southeast Asia was imperative. As a result of this calculation, the inclusion of Myanmar and other two countries, Cambodia and Laos, was considered (Ott, 1998:71).

It should be noted that membership of the EU was one of the incentives that led the former communist states in Eastern Europe to conform to the new norm of democracy. This can also be applied to the case of ASEAN and Myanmar. Since the early 1990s Myanmar was interested in joining ASEAN, however, other member states were concerned about Myanmar's human rights situation. Therefore, it was important that the regime in Myanmar demonstrate an improvement of the country's human rights situation. To do so, the regime released Aung San Suu Kyi after six years of house arrest. This action accelerated the process of Myanmar's being accepted as a member of ASEAN (Zaw, 2001:42). Especially, Thailand, Indonesia and Malaysia were very much in favour of Myanmar's membership of ASEAN. As early as 1992, Thailand suggested that ASEAN invite Myanmar to the ASEAN Ministerial Meeting (AMM) as an observer. Narine (2002:112) points out that Thailand wanted to exercise its political and economic influence in mainland Southeast Asia by including new members located in mainland Southeast Asia.²⁵ It is true that Thailand is geographically surrounded by new ASEAN member states such as Myanmar, Laos and Cambodia, and that by including these countries in ASEAN, it can ease their security problems. At that time, former Prime Minister, Mahathir Mohamad, of Malaysia expressed the hope that ASEAN would include all Southeast Asian countries by 2000 in order to enhance its status in international relations (Narine, 2002:115; Katanyuu, 2006:835). Narine (2002:119) points out that the reason was related to the political leaders' personal ambition as

²⁵ Southeast Asia is divided into mainland and island areas. Mainland Southeast Asia consists of Myanmar, Thailand, Laos, Cambodia, and Vietnam and it is actually an extension of the Asian continent. Island Southeast Asia includes Malaysia, Singapore, Indonesia, the Philippines, Brunei, and East Timor (Asia Society, 2010).

well. Narine argues that for President Suharto and Mahatir, “unification of Southeast Asia” was part of their political achievement, and their own personal international reputation was considered.

For Indonesia and Malaysia, the persecution of the Muslim minority in Myanmar was another major concern. When the regime in Myanmar took a soft stance that included the repatriation of Muslims in Bangladesh (see Footnote 12), this helped the regime gain acceptance from Malaysia and Indonesia. Singapore’s support for Myanmar’s admission into ASEAN was based on a different set of concerns. It is said that Singapore had little interest in human rights issues and no real objections to the regime’s human rights abuses. At that time Indonesia, Malaysia and Thailand created favourable conditions for Myanmar’s membership and as Singapore traditionally enjoyed friendly relations with Indonesia, Malaysia and Thailand, it supported Myanmar’s admission as well (Zaw, 2001:43).

For Myanmar, joining ASEAN would lead to increased investment and provide protection from Western condemnation by achieving legitimacy (Fink, 2001:234). All in all, Myanmar’s admission to ASEAN accelerated existing member states’ aspirations of creating a stronger organisation. Myanmar itself gained political and economic benefits.

There is another reason that influenced the process of granting membership of ASEAN to Myanmar. It is said that ASEAN and its member states were afraid of Chinese influence in Myanmar. If ASEAN had left Myanmar out of the regional organisation, the relationship between China and Myanmar would have become closer. This is related to member states’ political and economic considerations (Arendshorst, 2009:110). It is pointed out that ASEAN feared excluding Myanmar because China might seize its chance to play a more prominent role in Myanmar. Bunyanunda (2002:123) says that “ASEAN states wanted to prevent Myanmar from becoming under China’s indirect influence and becoming a Chinese satellite state”. Bunyanunda (2002:128) adds that ASEAN focused on preventing Chinese hegemony in Southeast Asia.

Traditionally, Myanmar and China have been close. Even though there was a boundary dispute in the 1950s and 1960s, the boundary agreement was favourable to Myanmar. This may be because China needed an ally at that time. In the 1990s China’s military assistance was important

to Myanmar. Also, infrastructure development projects were supported by the Chinese, including the construction of a road and railways (Shee, 2002). Recently, when the international community attempted to put pressure on Myanmar, China, as a permanent member of the UN Security Council, insisted that the situation in Myanmar did not constitute a threat to international security.

While ASEAN tried to keep out Chinese influence in the region, by including new members, it seems that there is little evidence that SADC member states will unite to oppose China. This is seen differently in the context of Southern Africa. At the moment, no SADC member state has any reason to turn down Chinese material support. Also ideologically, some Southern African countries formerly had communist-oriented governments or Marxist-leading political parties in power while ASEAN was concerned with “communist insurgencies” and regarded communism as an external threat in the region. One should not overlook the fact that, at the moment, China’s involvement in these two countries can be decisive for these two regimes’ survival (see Footnote 16). This can however have a negative effect on the improvement of human rights.

In July 1996, Myanmar became an official observer at ASEAN meetings and a member of the ASEAN Regional Forum (ARF) (ASEAN, 2010). This set the stage for Myanmar to become a member a year later. In addition to ASEAN’s political and economic calculation, as mentioned previously, Malaysia and Indonesia hoped that the treatment of Muslims in Myanmar would improve. However, this did not happen. ASEAN also believed that a policy of isolation and pressure through sanctions on the regime would heighten its domestic insecurity. It was believed that more effective results could be gained through rewards by the ASEAN (Bunyanunda, 2002:123). However, as some scholars point out, this led to more brutal repression within Myanmar and the situation became worse (Tin Maung Maung Than, 2001; Zaw, 2001).

Especially Zaw (2001) argues that after its admission, contrary to ASEAN’s expectation that membership of the association would lead to Myanmar’s behaving more responsibly, the regime has stepped up its campaign of repression against the opposition and against ethnic groups. It seems that admission to ASEAN was seen as a sign of approval for its policies by Myanmar, and the human rights situation has become worse. Therefore, in reality, the reward given to Myanmar, namely membership of the regional organisation, did not have a fruitful outcome as

was anticipated. Furthermore, Myanmar hosted several meetings of ASEAN and used these meetings to improve its international image and increase its legitimacy. Another criticism is that membership brought economic opportunities that have helped Myanmar survive despite Western sanctions (McCarthy, 2006:423). Through these cases, it can be seen that behaviour resulting from strategic calculation can be short-lived and recanted once rewards have been given (Warkotsch, 2008:242).

After granting membership of ASEAN to Myanmar, neighbouring countries have not taken collective action against Myanmar, despite the human rights situation worsening. However, ASEAN arrived at a consensus in 2005 (Katanyuu, 2006:827). The member states blocked the regime from taking up the rotating chairmanship of ASEAN in 2006, which shows that Myanmar was under pressure from ASEAN. Abdullah Ahmad Badawi, who succeeded Mahathir as Prime Minister in 2003, allowed Malaysian parliamentarians to raise the issue of blocking Myanmar from taking the ASEAN chairmanship in 2006. This spread to parliamentarians from Indonesia, the Philippines, and Thailand, and finally resulted in the establishment of the ASEAN Inter-Parliamentary Caucus on Burma (AIPMC). The AIPMC, a network formed by and for Parliamentarians from the ASEAN countries, had the aim of advocating for human rights and democratic reform in Myanmar (AIPMC, 2008). This confirms what Checkel (2005:811) said, namely that foreign policy-makers can play important roles when they work together and share ideas. Here, also what should be noted is that two different mechanisms, strategic calculation and role-playing, can work simultaneously.

As a result of this collective action, the junta had to give up the chairmanship and Myanmar announced that it needed to focus on national reconciliation and the democratisation process. It gave this as the reason for not taking up the chairmanship. ASEAN showed its gratitude, saying “sincere appreciation to the government of Myanmar for not allowing its national preoccupation to affect ASEAN’s solidarity and cohesiveness” in a joint Communiqué during a Ministerial Meeting in 2005 (ASEAN, 2005). It still can be seen that the ASEAN and its member states considered the international reputation of the regional organisation important. Singapore’s Prime Minister, Lee Hsien Loong, stated that ASEAN “would become marginalised if it delayed or took no action regarding Myanmar’s ambition to take up the chairmanship” (Katanyuu, 2006:839). Jones (2010) argues that ASEAN’s action towards some regional issues are related to

ASEAN's consideration of its "image", "credibility" and "reputation". Since ASEAN granted membership to Myanmar, the US and the EU have been condemning this. These powerful actors, the US and the EU, have pressed ASEAN as a whole to adopt sanctions and to put pressure on Myanmar. Even though in 1997 the EU took strong action canceling scheduled meetings with ASEAN, Myanmar nevertheless gained membership of ASEAN. However, ASEAN realised that such boycotts would have a serious impact on its relations with these major actors in international relations (Katanyuu, 2006:843). After the financial crisis, member states looked for financial support from other institutions such as the IMF, and ASEAN faced pressure to accept democracy and human rights. This can also be seen as a starting point for ASEAN and its member states to pay serious attention to the new norm of humanitarian intervention (Jones, 2010).

3-4. Role-Playing

In this section, another mechanism that can result in socialisation, that is role-playing, will be discussed. In the process of socialisation, states adopt certain roles because they are appropriate in that particular setting (Checkel, 2005:810). Here, regional organisations can play an important role by providing cues and a suitable environment for actors to play their roles. Here, Checkel (2005:811) puts emphasis on policy decision-makers. As seen in Section 3-3-2, each member states' parliamentarians spoke out on the issue of human rights in Myanmar and it soon became a regional issue. Then, related legal frameworks were created. These legal frameworks were originally aimed at Myanmar, but other member states had to conform if they belonged to ASEAN. Eventually this process contributed to improving the human rights situation in the region as a whole. As another aspect, Checkel (2005:811) states that it is crucial to have those who have previous experience in solving similar issues in regional organisations. In the case of ASEAN, there had been few incidents requiring collective actions by member states in the past. Katsumata (2004:241) suggests that the environmental problem of burning forests in Indonesia in 1997-1998 brought about change in the traditional diplomacy of the ASEAN, namely non-interference. In order to resolve this transnational problem, states had to discuss each other's internal affairs. Taking these elements into consideration, this section will examine how ASEAN reached the phase of role-playing.

3-4-1. The Creation of a Communicative Environment

For role-playing to be successful, long and sustained interaction between member states within the organisation is needed. In the post-Cold War era, Southeast Asia's regional environment specially regarding security, changed significantly. In the past, the security environment of Southeast Asia can be characterised as follows: First of all, externally, member states were "against communism". Also, among member states, there were several disputes such as Konfrontasi, which was discussed in Section 3-3-1. Under these circumstances, it is difficult to expect regional cooperation. However, the post-Cold War era reinforced the commitment of ASEAN member states to their own regional organisation. The countries believed that through larger organisations they could enhance their political influence (Narine, 1998:208-209). ASEAN realised that it needed to respond to the great powers as a united bloc. Later, ASEAN even chose to embrace China, Japan and South Korea through ASEAN+3. Also there were regular meetings with the EU as a form of Asia-Europe Meeting (ASEM), which enhanced the institutional feature of ASEAN. In particular, this interaction with the EU helped socialise ASEAN regarding human rights. It was also exposed to pressure from the EU through regular ASEAN-EU Ministerial Meetings, and it started seeking for advanced mechanisms for solving human rights issues.

The improvement of the socio-economic situation in Southeast Asia cannot be overlooked. For many political leaders in this region, economic development was the fundamental goal, while political and civil rights had been neglected in the past (Apodaca, 2002:887). After many countries in Southeast Asia achieved successful economic growth, one of the results was that a middle class emerged in this region. This created considerable social change in the region. This middle class posed an ideological challenge to the authoritarian norms (Kraft, 2001:36).

Actually, the behaviour of the middle class differed according to the time period. In the 1960s and 1970s, the middle classes were willing to support the authoritarian political frameworks because the authoritarian regime acquired legitimacy by achieving economic development. Also, as Robinson and Goodman (1996:13) argue, around this time, the middle classes were weak and fragmented. That is the reason why even though the dictators were overthrown in Indonesia in 1966, and in Thailand in 1973, the middle classes were not strong enough to establish

democracy, and the result was that another form of authoritarianism emerged. However, as time went by, the legitimacy of authoritarian regimes dissolved in the face of the challenge posed by the “new” middle class. In the late 1980s, the growing middle class became more educated and increasingly engaged in more professional areas than in the past; consequently, their characteristics differed from people those of middle class people in the 1960s and 1970s. As Funston (2001:418) argues, these middle classes turned their attention to human rights issues in their own countries and in neighbouring countries. This became one of the factors contributing to the creation of a communicative environment that makes it possible to discuss human rights in this region.

As mentioned, a prerequisite for favourable conditions for role-playing is “extensive previous professional experience”. Indonesia’s forest fires have already been mentioned in this regard. Another occasion for acquiring this experience was the Vietnamese invasion of Cambodia in 1978. According to Narine (2002), this incident contributed to the strengthening of ASEAN’s unity. At that time, ASEAN actively lobbied at the UN for resolutions calling for Vietnam’s withdrawal from Cambodia (Hussey, 1991:96). By resolving the case successfully, ASEAN learned to act as a coherent diplomatic unit (Narine, 1998:208; Narine, 2002:61). Jones (2010) even argues that this proves that a history of intervention existed in ASEAN. As a result of this, ASEAN turned out to be an effective instrument for managing regional issues, pursuing not only individual but also collective interests. Kurus (1993:822) argues that this experience could have contributed to the creation of a strong sense of “mutual understanding”, “trust” and “predictability” among others. This experience could have encouraged ASEAN member states to sort out their regional problems like the Myanmar issue later on, in an integrative manner.

There are other reasons why each member country has been outspoken on the issue of Myanmar. As mentioned in Section 3-3-2, Thailand wanted to extend its political influence. As a result, Thailand joined various international organisations, including the Human Security Network (HSN). The HSN was launched as “an informal group of countries sharing the goal of encouraging the resolution of international issues that present an immediate threat to human security” (HSN, 2010). This organisation contributed to peacekeeping operations in different regions around the world. This experience became an important source, helping Thailand to resolve the human rights issues in its own region as well (Acharya, 2001:16).

Since 2003, the Philippines has taken a more outspoken stance on the issue in Myanmar. It is said that President Gloria Macapagal Arroyo seems to be particularly sympathetic to Aung San Suu Kyi and to democracy-building in Myanmar. The Philippines itself has experienced substantial progress in the negotiations between the government and the Moro Islamic Liberation Front (MILF) which claims an independent Islamic state in the Southern Philippines (Katanyuu, 2006:833).²⁶ Given this success, the Philippines might want to encourage Myanmar to enter into a dialogue with ethnic minorities.

Based on these experiences, Thailand and the Philippines called for a rethinking of ASEAN's commitment to non-intervention in its members' affairs. In the end, the new norm, "flexible engagement" was introduced (Fink, 2001:55).²⁷ In 1998, then Thai Foreign Minister, Surin Pitsuwan, introduced the concept of "flexible engagement" as an alternative to constructive engagement. The aim was to promote political openness and transparency and to encourage the norm of humanitarian intervention and democratisation. The idea was to allow ASEAN member states to publicly comment on each other's domestic matters. This flexible engagement is considered one of the most important challenges to ASEAN's non-intervention norm (Acharya, 2004:261). The advocates of this concept rejected the notion that ASEAN members had no right to criticise each other's domestic politics (Zaw, 2001:42). It can be said that a new environment favourable to spawning a new norm at the initial stage had been created.

²⁶ The MILF is the largest group battling for self-rule in Mindanao, the second largest island in the Philippines. The Muslims account for about 8% of the total population of the Philippines, they are concentrated in Mindanao. As a result of ongoing conflicts between the government and MILF, at least 125,000 have been killed in the Muslim insurgency in Mindanao (Tarling, 1999:97). However, in March 2007, the Philippine government offered to recognize human rights for the Moro people which it had never done before. The government and the MILF have steadily strengthened the peace process and in 2010, they reached ceasefire and peace agreement ("Philippines Keeps Malaysia as MILF peace talks host", 2010).

²⁷ Actually, in 1992, Foreign Minister of Thailand, Arsa Sarasin, suggested "constructive engagement". The character of this constructive engagement is a combination of a kind of "quiet diplomacy and increased economic relations" which can entice the regime in Myanmar to reform (Narine, 2002:115). It was proposed as a better approach than sanctions which were chosen by Western states. However, not only ASEAN member states but also Myanmar rejected this, urging it was intended to interfere with Myanmar's domestic politics (Narine, 2002:116). In the case of Zimbabwe, constructive engagement which included aid packages was introduced by South Africa. This was also turned down by Zimbabwe. Both Myanmar and Zimbabwe were strongly opposed to this policy aimed at their political reform and refused to cooperate.

Regarding its relationship with Myanmar, Indonesia's position is intriguing. Before President Suharto's fall in 1998, Indonesia was an important supporter of Myanmar's regime. In addition to the leaders' personal closeness, the military regimes in Myanmar looked to Indonesia as a model of how a military regime could maintain control. However, with the collapse of military rule, Indonesia took up a different position. Successive presidents wanted to reform existing authoritarianism. For example, President Jusuf Habibie undertook numerous political reforms. As one of these, he released political prisoners. President Abdurrahman Wahid abolished the Ministry of Information, the Suharto's regime's chief instrument for controlling the media (Barton, 2002). This meant that Myanmar no longer had a political ally which supported the military regime in the region (Fink, 2001:55).

At the 11th ASEAN Summit held in Malaysia in December 2005, ASEAN urged the regime to release political prisoners and expedite democratic reforms. It can be seen that ASEAN departed from its tradition of non-intervention by criticising Myanmar openly (Katanyuu, 2006:839). Katanyuu (2006:839) also emphasises that ASEAN member states have maintained lines of communication with each other. This means that ASEAN has also significantly improved its internal relationships despite the traditional rivalry of the member states. ASEAN has encouraged member states to push Myanmar into dialogue regarding the ending of human rights violations. Nevertheless, Narine (1998:208) evaluates that a sense of regional collective identity has not yet developed. Favourable conditions for both ASEAN and Myanmar to adopt a logic of appropriateness, which means that human rights values are entirely embedded and thus become an unconscious habit in the region, have not yet been provided. However, the importance of the seed of change in this region cannot be ignored.

3-4-2. The Establishment of Mechanisms to Protect Human Rights

It is said that norms supporting human rights in ASEAN began to emerge from 1993 onwards, when the World Conference on Human Rights forced ASEAN member states to take a strong stance regarding human rights issues in the region.²⁸ At the Regional Meeting for Asia of the

²⁸ The World Conference on Human Rights was held by the UN in Vienna, Austria, on 14 to 25 June 1993. It was the first human rights conference held since the end of the Cold War. The main result of the conference was the Vienna Declaration and Programme of Action and this reaffirmed the Universal Declaration of Human Rights and the United Nations Charter (UNHR Council, 1995).

World Conference on Human Rights, ASEAN member states enforced the 1993 Bangkok Declaration on Human Rights. This endorsed the idea that there should be a regional human rights mechanism in Southeast Asia. This was a starting point showing that the ASEAN was concerned about establishing a regional mechanism regarding human rights (Cheeppensook, 2007:9). After this, it is noticeable that the communicative environment of human rights in Southeast Asia was extensively improved. Furthermore, considering that ASEAN had not had any human rights standards before, this was a remarkable change.

One of characteristics of ASEAN is that it formerly worked through the political leaders' personal relationships. However, since 2000, ASEAN intergovernmental organisations hold more than 230 meetings a year. This shows that the institutions are working in a more transparent manner (Narine, 2002:31). Narine (2002:31) also emphasises that ASEAN now makes certain government-to-government contacts possible on a regular basis. Through this process, more interaction has brought about more trust among members. Therefore the regional organisation has helped to create a more communicative environment.

Also, numerous NGOs are involved in ASEAN and they enhance "social linkage" in the region and play a role in advancing a more human-centric agenda in ASEAN. Regarding the creation of an environment which makes it possible to discuss human rights, the existence of NGOs has led to more opportunities for interaction and contributed to making interaction intensive and extensive. The socialisation process does not take place only through the interaction between member states and the institutions, but also through states' social interaction with NGOs which aim to persuade states to internalise alternative norms. Here, transnational NGOs play important roles as one of the important sources of new ideas, norms and identities (Cheeppensook, 2007:5). Through this institutional development, the norms can be more easily spread than before. This institutional development can help ease constraints between neighbouring states. Considering that several ASEAN member states are not yet democratic, the importance of regional organisations and the role of ASEAN will be essential.

The AHRB became a serious possibility in October 2003, when ASEAN leaders issued the "The Declaration of ASEAN Concord II", also known as "Bali Concord II". It is said that ASEAN subscribed to "the notion of democratic peace, which means all member countries believe

democratic processes will promote regional peace and stability. Also, the non-democratic members all agreed that it was something all member states should aspire to". The subsequent 2004 "Vientiane Action Program" (VAP) set out a broad framework for what an ASEAN community should look like (Munro, 2009:4). It is said that the VAP provided more flesh to the idea by identifying norms, principles, and projects that would help realise the pillars of community-building in ASEAN (Morada, 2008:40).²⁹

In December 2005, ASEAN leaders decided to draft an ASEAN Charter. The adoption of the Charter is seen as a major step forward in the process of establishing the AHRB (Hao Duy Phan, 2008:12). The Charter includes international humanitarian law and the responsibility to protect (R2P) principle. As discussed, ASEAN formerly emphasised informal decision-making by a small elite network. Now non-consensus based decision-making, which is totally opposite to the traditional way of decision-making, is introduced.³⁰ Sanctions against erring members, including the option of expulsion from the organisation are also included (Morada, 2008:43). This process shows that a communicative environment can have a desirable outcome. ASEAN and its member states can give guidance to member states and various other actors and make them think harder about the benefits of human rights norms. This will be conducive to socialisation. It is impossible to calculate the cost and benefit of every policy option but the adoption of certain principles and the establishment of the AHRB means that there will be guidelines that can simply be followed. By establishing the AHRB, it is now possible for ASEAN to set adequate human rights standards in the region. This new mechanism can regulate its member states' actions.

²⁹ The VAP identified several areas of cooperation among states, such as: 1) political development, where ASEAN members' leaders are expected to promote "shared vision and common values"; 2) shaping and sharing of norms that, among other things, "contribute to the building of a democratic, tolerant, participatory, and transparent Community in Southeast Asia"; 3) conflict prevention through confidence building and preventive diplomacy; 4) conflict resolution through "the use of existing regional dispute settlement mechanisms and processes in the political and security areas"; and 5) post-conflict peace building that includes the establishment of appropriate mechanisms and resource mobilization (Working Group for an ASEAN Human Rights Mechanism, 2007).

³⁰ The highest decision-making body of the ASEAN is the ASEAN summit which is generally held annually, allowing the heads of government of each country to discuss and resolve regional issues. Voting takes place when required. The system is that one country has one vote and that a simple majority is required. However, decisions are commonly taken during informal discussions and are heavily dependent on the personal relations of top leaders. In this process, it is said that consensus is required to draw conclusions (Chiou, 2009).

Despite these achievements, two main problems still remain. A survey shows that civil society is not satisfied with the process of the AHRB. It is pointed out that the civil society sector obtained information about the process from each other in informal ways rather than from the ASEAN Secretariat (Hao Duy Phan, 2009:476). This shows that a perfect communicative environment has not been created, and this will make it difficult for ASEAN to move on to the phase of normative suasion, or full socialisation.

The creation of the AHRB also divided ASEAN member states into two camps. Those in favour included Indonesia, the Philippines, Malaysia, Thailand and Singapore (Munro, 2009:13). Cambodia, Laos and Vietnam opposed the AHRB, claiming that they were not ready for such a body (Munro, 2009:15). This shows not only disagreement but also that even among member states, there is still uneven improvement regarding human rights. In reality, except for Indonesia, the Philippines and Thailand, none of the other members of ASEAN meet the criteria of “democracy”. Brunei, Cambodia, Vietnam, Laos and Myanmar are all “not free” according to Freedom House data (Freedom House, 2009). Although Malaysia and Singapore are quasi-democratic, there has been no change in the governing party in either country for decades (Munro, 2009:12). Within ASEAN, opinions on how to deal with Myanmar are split between the older member states and the newer member states, and also between democratic and non-democratic states (Asia Society, 2010:85). So far, ASEAN has had difficulty in shaping a collective identity. To some extent, it is possible to say the situation of Myanmar may contribute to the other member states’ speaking with one voice. However, seeing that some of the countries are not yet fully democratic and do not conform to the norm of human rights, this is not likely.

At this stage of role-playing, it can be seen that ASEAN member states are still “boundedly rational” which means that states do not yet take the human rights norm as for granted. Hopefully, the repeated habit of compliance within the social setting created by ASEAN will help the member states of the ASEAN to conform to the new norm of human rights without calculations. In the process, the newly adopted legal framework can be expected to play a guiding role.

3-5. Normative Suasion

It seems that individual member states and ASEAN have been taking steps away from inactive attitudes and are starting to accept their new role initiated by environmental triggers. The establishment of the AHRB is expected to provide “a new venue” and “a new learning process” which can help the ASEAN member states to cooperate on human rights at the regional level (Chalermphanupap, 2009:6). Nevertheless, it will take some time for Myanmar and also other ASEAN member states to perceive this norm of human rights as “taken-for-granted”.

Acharya (2004:244) stresses that Southeast Asian countries have been active norm borrowers and localisers. According to Acharya (2004:248-249), when a foreign norm, Western human rights norm in this case, seeks to replace a local norm, recipients, that is ASEAN and its member states, may be fearful and resistant and feel that the new norm challenges the legitimacy and authority of their own leaders. Therefore, they are likely to localise the new norm rather than accept it wholesale. There is the possibility that ASEAN member states will adapt human rights norms to suit their own needs and values. When these countries become democratic it will be easier to converge their interests regarding human rights norms.³¹

Looking inwards, McCarthy (2006:428) argues that the military regime in Myanmar has made the people fearful of punishment or political retaliation regarding speaking out and giving their own political opinions. As a result of sanctions, the people are also unlikely to trust foreign influence. Political apathy derived from repressive regimes and a sense of difference towards Western norms such as democracy and human rights are likely to hamper the norm’s localisation in Myanmar.

According to a report in Asia Society (2010:53), a non-profit education organisation aiming at deepening understanding in Asia, some countries still prefer the bilateral approach, rather than ASEAN-driven approaches. More specifically, they still believe that bilateral approaches have a better chance of persuading the regime in Myanmar to relax, while most other countries consider

³¹ Schimmelfennig (2005) argues that EU and NATO membership brought about norm’s socialisation in norm-violating countries in Central and Eastern European countries. Particularly, Schimmelfennig confirms that membership incentives worked where governments were liberal democracies. This can be applied to the case of ASEAN and SADC. If these member states become democratised, it will be easier to adjust the states’ interests with the human rights norm.

that ASEAN should take a leading role in addressing the situation in Myanmar. All these issues can be barriers to resolving Myanmar's human rights crisis.

At the moment, it can be seen that ASEAN has achieved the stages of norm emergence and cascade as identified in the norm cycle. However, what should follow is the completion of the phase of socialisation. This can be considered as consolidation or universalisation. Despite different strategic and economic interests, countries from Southeast Asia should be able to share a common interest in a peaceful and prosperous Myanmar.

3-6. Conclusion

In this chapter, the focus was on Myanmar's human rights situation. Then the regional response was analysed using the three mechanisms of socialisation: namely, strategic calculation, role playing and normative suasion. Initially, by granting membership of ASEAN, ASEAN and member states believed that the situation in Myanmar would be improved. However, this resulted in an adverse outcome in that this membership only strengthened Myanmar's legitimacy in the international community. However, as a form of punishment, ASEAN blocked Myanmar's chairmanship in 2006. It was imperative for Myanmar to restore its relationship with neighbouring countries, therefore it gave up the chairmanship and established a new constitution in 2008 to ensure that the military cannot exert its power on the legislative process (Asia Society, 2010:10). Myanmar is also planning to hold an election in November 2010. The outcome will be a significant indicator for measuring whether its human rights situation has changed or not.

Regarding regional organisations, by actively interacting, member states have established a regional human rights mechanism, namely the AHRB. The degree of adaptation and compromise shown throughout the process of creating this human rights body was discussed. The dynamics of international pressures and the inclusion of NGOs were elaborated. The full socialisation process has however not been completed.

When it comes to socialisation, the initial focus during the research is to examine the role of regional organisations as socialisers. It is evident that ASEAN and its member states have put effort into solving the regional issues by playing an inducing role. Here, it can be seen that

ASEAN itself is being socialised as well over time. The organisation did not have a perfect record for human rights, so it would have been beyond its capacity to socialise Myanmar in the past. As discussed already, ASEAN member states have been through the process of democratisation and improvement of human rights. Also, through interaction with Western actors such as the EU and transnational human rights NGOs, socialisers in the region have also become the subject of socialisation and can in turn influence ASEAN. When all actors are constantly subject to normative suasion, new norms may result, and these will affect how the actors define and redefine their interests.

4. Zimbabwe and SADC

4-1. Introduction

The parliamentary election in 2000 is regarded as the first election in which Mugabe's regime faced a serious challenge from the opposition political party. At that time, the newly formed MDC led by Morgan Tsvangirai won 57 of the 120 elected seats, while the ZANU-PF, the governing party led by President Mugabe, won 63 seats. This led to strong opposition in parliament against the ZANU-PF's unilateral manoeuvre. In other words, the political arena which had been dominated by the ZANU-PF for decades now could be challenged and checked by this newly formed opposition party (Alexander, 2000:385; Raftopoulos, 2002:414).³²

It is also considered that the human rights situation in Zimbabwe has been seriously deteriorating since this election. Since its independence in 1980, Zimbabwean politics have been dominated by a so-called one-party or single-party system, and the ZANU-PF has maintained its dominance. Therefore, the emergence of the MDC posed a threat to the ZANU-PF. It was reported that there were a number of violent incidents targeting MDC supporters, especially during the series of elections in 2000, 2002, 2005 and 2008. Moreover, these elections were all regarded as not free and fair by the international community. Also at a continental and a regional level, the AU and SADC have tried to talk to President Mugabe to discuss this matter. However, he regarded these pressures as neo-imperialism and neo-colonialism, and ignored the criticism expressed by these external actors.

Here, African countries were divided into two groups. On the one hand, countries that had liberation movement governments, such as Angola, Namibia and Tanzania, openly backed President Mugabe. On the other hand, the governments of Botswana, Malawi and Zambia have been openly critical towards the situation of Zimbabwe. South Africa and Mozambique have been privately critical, but reluctant to criticise the Mugabe regime openly (Human Science

³² The parliament of Zimbabwe comprises 150 members of parliament (MPs) and the Speaker. The 150 MPs are chosen in four ways. Firstly, 120 MPs are elected by voters and they represent the 120 electoral constituencies. Secondly, the president appoints 12 non-constituency MPs. Thirdly, the president appoints 8 provincial governors and the National Council of Chiefs appoints 2 chiefs while the Provincial Committee of Chiefs elects 8. In this way, even though, the MDC won 57 seats, with the president appointing 30 MPs, the ZANU-PF ended up with 92 MPs out of the 150 seats and could maintain power (Makumbe, 2005:220).

Research Council, 2008:25). This split among neighbouring states at the regional level has not contributed to resolving the crisis of Zimbabwe for which collective action or a united voice is needed.

Along with the political turmoil, the economic situation in Zimbabwe has worsened: one of the best examples was the astronomically high level of inflation rate, of up to 231,000,000% in 2008. At that time, the Zimbabwean government's response to the inflation was simply to print more money, and this mismanagement aggravated the economic havoc (Soko and Balchin, 2009:36-37). This economic disaster caused the dysfunction of society as a whole, and ordinary people have suffered greatly. A series of poor harvests furthermore led to serious food shortages and food insecurity in recent years. In 2008, a cholera outbreak swept across the country. According to the World Health Organization (WHO), by July 2009, 98,522 cases and 4,282 deaths had been reported since August 2008 (WHO, 2010). These figures show that human security that guarantees basic or a minimum quality of life in Zimbabwe is poor. It also shows that the government cannot meet its responsibility to protect its people.

Against this background, in this section, firstly, the focus will be on the background of Zimbabwe's human rights situation. It will be helpful to look at Zimbabwe's history to figure out the cause of the current political and economic chaos. Secondly, the responses of SADC and its member states will be discussed. Here, the theoretical framework applied in the previous chapter; that is, strategic calculation, role-playing and normative suasion, will also be applied.

4-2. Background to the Issue of Zimbabwe

4-2-1. Historical Background

One of the main roots of the human rights crisis in Zimbabwe is considered to be the fact that President Mugabe does not want to step down from power and in order to maintain power his response to those who wish him to step down has been accompanied by violence.³³ Here, the

³³ In the case of Zimbabwe, the reason for the human rights crisis is not conflict between neighbouring states or among militia groups. Regarding ethnicity, there have been reports of violence perpetrated by Shona, who make up 82% of the population, towards Ndebele who make up 14% of the population. Nevertheless, there have been relatively fewer ethnic conflicts than in other countries (Davidson and Purohit, 2004:109). According to Tsvangirai

process by which President Mugabe seized power cannot be detached from the history of the struggle for independence.³⁴ President Mugabe has been regarded as an important figure within the independence struggle, not only in Zimbabwe but also in the Southern African region. The perception that President Mugabe was against white minority rule in Rhodesia is still influencing the stances of the neighbouring countries. SADC leaders share a common history with President Mugabe, and the Front Line States were linked with strong ties during the liberation struggles, and thus it is difficult for these leaders to criticise President Mugabe's historical record (Rowlands, 1998:926).³⁵ In this regard, it is crucial to look at first the history of colonialism in Zimbabwe.

European exploration led by traders and missionaries started in the 1830s in this region. Cecil Rhodes' ambition to acquire diamond and gold accelerated the expansion of British colonialism. In the beginning, the present Zimbabwe was under the administration of Rhodes' British South Africa Company. In 1889, the British South Africa Company gained a British mandate to colonise what became Southern Rhodesia. However, in 1923, when the British South Africa Company was not able to make enough profit to maintain Southern Rhodesia, it lost administrative control over it. As a result, Britain annexed Southern Rhodesia (Bauer and Taylor, 2005:173).

In 1953, Southern Rhodesia, Northern Rhodesia and Nyasaland merged to form a single self-governing colony. The Federation of Rhodesia and Nyasaland, this newly federated colony, had its own assembly and prime minister; however, there were no African indigenous politicians.

(2003:132), the human rights crisis in Zimbabwe is not a racial issue between a black majority and a white minority either.

³⁴ Here, if we wish to understand the history of Zimbabwe, the concept of Chimurenga cannot be overlooked. Chimurenga is a Shona word which means "uprising" or "resistance". This term was first used for the insurrections against British colonial rule in the 1890s. This is called the "First Chimurenga". Then, the "Second Chimurenga" was characterised as the guerrilla war or liberation war against the white minority regime between 1966 and 1980. Chimurenga was recently used to refer to the land reform in 2000. The Mugabe regime claimed that skewed social and economic structures in Zimbabwe had mainly been inherited as a colonial legacy and that this meant that a small minority of white farmers owned the majority of the country's land. In order to attempt to correct this injustice, the regime proclaimed a violent struggle for land reform, called the "Third Chimurenga" (Moorcraft and McLaughlin, 2008)

³⁵ The Front Line States were formed in 1970, Angola, Botswana, Lesotho, Mozambique, Tanzania, Zambia, Zimbabwe coordinated their responses against apartheid South Africa to end white minority rule (Bauer and Taylor, 2005:5).

This federation existed until 1963 when Zambia (Northern Rhodesia) and Malawi (Nyasaland) gained independence. Southern Rhodesia's settlers resisted a transition to independence. The white minority government was afraid of yielding its rights to the black African majority. At that time, African nationalist groups, such as the Zimbabwe African People's Union (ZAPU) led by Joshua Nkomo, and the Zimbabwe African National Union (ZANU) led by Robert Mugabe emerged in Southern Rhodesia. These movements were banned by the minority rulers, but they survived underground (Bauer and Taylor, 2005:174-175).

There was another political movement led by Ian Smith and his Rhodesian Front which represented the white minority and advocated an independent Rhodesia governed by this group. Ian Smith repeatedly asked the British government to grant independence on the basis of white minority rule. In 1965, the Rhodesian Front declared independence under white minority rule unilaterally. This unilateral declaration of independence brought about international outrage and economic sanctions. Rhodesia did not receive official recognition from the international community. Moreover, the UN Security Council passed a resolution refusing any assistance to Rhodesia (Bauer and Taylor, 2005:175).

Simultaneous with this external pressure, the Smith regime faced guerrilla wars within the country. In the 1970s these guerrilla wars against white rule intensified. Mugabe regarded the armed struggle as an essential part of the struggle for independence. At that time, Mugabe was supported by many African leaders such as Tanzania's Julius Nyerere, Zambia's Kenneth Kaunda, Mozambique's Samora Machel and Botswana's Seretse Khama. They all allowed guerrillas to use their territories as havens, which made it possible for Zimbabwean guerrillas to operate across the borders (Meredith, 2002:2).

In 1978, the Smith regime yielded to pressure for a negotiated settlement with the black majority. However, at first the negotiating parties failed to reach a compromise and the war continued. Finally, in 1979 Britain mediated and brokered talks at Lancaster House in London, which led to a peace agreement and a new constitution that guaranteed minority rights. Elections were organised for February 1980, and the ZANU-PF won 57 of the 100 seats, while Rhodesian Front led by Ian Smith won 20 seats, and the Patriotic Front led by Joshua Nkomo gained 20 seats.

Mugabe therefore became the first Prime Minister of an independent Zimbabwe (Bauer and Taylor, 2005:176).

In the process of struggling for independence and against minority rule, President Mugabe emerged as a significant leader and was respected by Zimbabweans and other Africans. This perception still exists in Southern African countries and makes leaders reluctant to attempt to resolve the human rights crisis in Zimbabwe (Klotz, 2004:11).

4-2-2. The Authoritarian Regime and Its Oppressive Rules

After independence, the Mugabe regime advocated principles such as nationalism, anti-colonialism, anti-imperialism, egalitarianism, solidarity, non-intervention and non-interference, amongst others. These were inspired by the liberation struggle and are still influential concepts when making political and economic decisions (Chan and Patel, 2006:176). For example, the pursuit of anti-colonialism, anti-imperialism and egalitarianism were linked to the land reform programme in 2000 (see Section 4-2-3). The government labelled this land reform as a correction of “historical injustices” and the “fulfillment of liberation” for the black majority. However, in reality the process was corrupt and favoured President Mugabe and his supporters only (Chan and Patel, 2006:177).

When President Mugabe started ruling, conflict between the ZANU and the ZAPU emerged. This rivalry was basically related to ethnic friction. The Shona, the majority of the population, supported the ZANU, and the ZAPU was supported by the Ndebele. The problem was that this minority, the Ndebele, was historically dominant.³⁶ This brought about hostility between these two groups. Zimbabwe had had relatively few problems with ethnicity before. However, right after independence in 1982, a campaign was launched against the Ndebele population in Southern Zimbabwe. It was reported that Ndebele civilians were beaten, raped, detained and even killed by security forces (Davidson and Purohit, 2004:111). The government massacred upwards of 10,000 people in Matabeleland, where most Ndebele-speaking people live until Mugabe and Nkomo’s power-sharing agreement was reached in 1988 (Minorities at Risk Project,

³⁶ The Shona were involved in the gold and ivory trade. As such, they could establish a strong Munhumutapa Empire in the 15th century, which subsequently split by the end of the century, with the southern part becoming the Urozwi Empire (currently part of modern-day Zimbabwe). However, this was destroyed by the Ndebele when they entered the Southern part of the country in the late 1830s (Davidson and Purohit, 2004).

2003).³⁷ Since then, Zimbabwe has become a one-party state. At that time, Mugabe was proclaimed President and Nkomo became vice President until 1999. Like in other newly-born independent countries in Africa, this one-party system prevented the creation of a system in which another political party can monitor and check the abuse of power by the regime or the ruling party.

In 2000, the ZANU-PF faced a new challenge: this was the creation of the opposition party, the MDC, which was founded in 1999. The MDC was formed as a form of coalition of civil society groups such as human rights activists, women's groups, church groups, and in particular the Zimbabwe Congress of Trade Unions (ZCTU). It was seen as a serious political threat to President Mugabe. Since then, there has been oppression and accompanying violence against the MDC and its supporters (Gruzd, 2005:16).

Tsvangirai, the leader of the MDC, was arrested several times in the 2000s. Also, the MDC was considered as a puppet or spy of the West by the Mugabe regime (Prys, 2009:194). In fact, Tsvangirai does have close relationships with Western states, and his claims that assistance from Western states will be imperative in order to resolve the political and economic problems in Zimbabwe made the Mugabe regime increasingly suspicious. In the 2000 election, despite political repression from the government, the MDC won 47% of votes, and the result of the election showed public discontent with the Mugabe regime. Furthermore, by winning in the provinces that traditionally supported the ZANU-PF, the newly created MDC alarmed the Mugabe regime (Tsvangirai, 2003).

In order to divert attention from this political issue, the Mugabe regime used the land reform question. President Mugabe enjoyed strong support from the countryside and considering that most of the black majority in Zimbabwe was landless, land reform could be used as an emotive issue with which the regime could manipulate public support (Hentz, 2004:153).

³⁷ This refers to the Gukurahundi, which means the suppression by Zimbabwe's fifth Brigade in the Ndebele regions, of mostly supporters of Joshua Nkomo. Mugabe, then Prime Minister, had signed an agreement with North Korea in 1980 to have the North Korean military train a brigade of the Zimbabwean army. This Brigade committed serious atrocities against the civilian population. The violence ended after the ZANU and the ZAPU reached a unity agreement to form one party: the ZANU PF (Gretchen, 2005).

The Mugabe regime used various laws to maintain power. Firstly, the regime limited media freedom by enacting the Access to Information and Protection of Privacy Act (AIPPA) to obstruct reporting about the situation in Zimbabwe. Journalists were threatened, attacked and arrested. Specifically, foreign journalists were considered as spies and forced to leave Zimbabwe (Davidson and Purohit, 2004:118).

Regarding NGOs, in 2003 the government introduced a law, the Non-Governmental Organisations Bill, which stated that all NGOs should register. It has been claimed by Davidson and Purohit that this bill was passed in order for NGO activities to be monitored. At that time, the government linked the activities of NGOs and Western states, saying that this law would prevent foreign interests from using the NGOs to challenge the regime (Davidson and Purohit, 2004:117).

Another example of the repressive nature of the government is the enactment of the Public Order and Security Act (POSA) in 2002. In autocratic regimes, police power remains very closely tied to the maintenance of political power. Zimbabwe was not an exception in this regard, and the police were central to the Mugabe regime (Meredith, 2002:193). This law allowed the Zimbabwean police to arrest and keep in custody any people showing opposition to the ruling party and its policies, such as MDC supporters and human rights activists. Moreover, police permission was required to hold any kind of public meeting. The regime utilised the police, the secret police and army to circumvent criticism (Davidson and Purohit, 2004:116).

Also, President Mugabe established a National Youth Training Programme in 2001. These young people were known as the “green bombers” and served as the informal militia of the regime. In return for their services, they received jobs in the military and police forces. They were immune from persecution. It was reported that these green bombers were involved in many human rights violations. This has been condemned as one of the reasons aggravating the human rights situation in Zimbabwe (Hentz, 2004:153). In the same context, “war veterans” were also criticised. Originally, those who fought during the liberation struggle became known as war veterans; however, subsequently they formed various groups to advance their own personal interests. One of the most prominent examples can be seen in the land reform process. Some of these people, having been promised land by the ZANU-PF, started occupying farms belonging to

white farmers, precipitating a high level of violence at the time (Davidson and Purohit, 2004:112).

The Mugabe regime ignored Supreme Court Orders as well (Peters-Berries, 2002:198). Judges, magistrates and lawyers who were supposed to protect the rule of law became targets of the government's oppression. If a lawyer's clients were related to the MDC, they were prevented from performing their tasks (Davidson and Purohit, 2004:119).

From these examples, it can be seen that the Mugabe regime put much effort into maintaining the power of his party. In these circumstances, actors that should have monitored the current government, such as opposition parties, the media and NGOs could not function properly. Although western states claimed that they imposed only smart sanctions, these in fact affected all aspects of the economic sectors. This is regarded as economic sabotage, which lends legitimacy to the Mugabe regime. Thus, anti-colonialism and anti-imperialism amongst others were used as tools to drum up support for the regime and make the opposition appear suspect.

4-2-3. Economic Deterioration

When Zimbabwe gained independence, its economic prospects looked promising. Also, a massive redistribution of social expenditure on health and education led to significant improvements in social indicators. In 1980, minimum wages were introduced, and regulations were introduced with restrictions on firing to secure job safety. As an attempt to redress inequities, the inexperienced government intensified direct controls and increased government expenditure. The excessive government controls and budget deficits became critical problems. As a result, government deficit rose to ten percent of the GDP. Later this spending on social security became very high and discouraged exports by raising the costs of inputs to exporters, leading to a shortage of the foreign exchange (Davidson and Purohit, 2004:110). In this context, the regime was caught in a dilemma between growth and equity. Later, a lack of funds hampered Zimbabwe's ability to import technology needed for transforming the country into a more value added economy. In addition, Zimbabwe's military involvement in the DRC's Civil War in 1998 is considered to have adversely affected the economy (Rupiya, 2002:257). At that time, more or less 11,000 Zimbabwean soldiers were dispatched to support President Laurent Kabila against rebels backed by Rwanda and Uganda. In the middle of Zimbabwe's economic crisis, President

Mugabe is reported to have spent millions of dollars each month on the war. According to the BBC, Zimbabwe spent more than US\$ 25 million a month and also lost US\$200 million's worth of military equipment since its troops entered the DRC ("Mugabe's Costly Congo Venture", 2000).

Another reason for the economic deterioration, as already mentioned, was the uneven distribution of land and economic resources in the 2000s. This was not only a question of a white minority and black majority, but rather the way in which the land reform programme was conducted. The goal of this so-called fast-track solution was to accelerate both land acquisition and redistribution, targeting at least five million hectares of commercial land for resettlement.³⁸ This fast-track land reform programme, which started in 2000 to 2002, resulted in serious human rights violations and contributed to a breakdown of the rule of law in the country. Despite the need for land reform, the process was accompanied by violence, such as assaults against those who resisted (Human Rights Watch, 2002).

As a result of this land reform programme, the agricultural sector was crippled. Firstly, the programme resulted in a mass departure of white farmers. This exodus by those who controlled a large part of the economic power in Zimbabwe paralysed the economy as a whole. Traditionally, commercial agriculture run by large-scale white farmers provided foreign exchange and created more than 400,000 jobs (Peters-Berries, 2002:197).

In addition, redistribution, the original aim of the land reform, was not conducted fairly. The land was mainly seized by groups of war veterans and other government-sponsored agents and the process was marked by violence and coercion. One of the examples was that in the course of redistribution, MDC supporters were excluded from receiving any land (Meredith, 2002:195). After the distribution, problems such as a lack of infrastructure for farming remained. As a result,

³⁸ Immediately after independence, the new government sought to redress the inherited colonial legacy of racial inequalities in land distribution. However, no meaningful land reform programme could take place as under the Lancaster House Constitutional provisions the government was forced to acquire land on a "willing seller willing buyer" basis. It was not possible to acquire enough land under these provisions. In order to resolve this problem, the government enacted several related laws such as the Land Acquisition Act of 1992. However, the process remained slow and the commercial farmers resisted. Also, internationally, especially the British, Tony Blair and the Labour government did not support this land reform programme.

agricultural productivity collapsed. This was directly linked to the revenue of the government. This generated a chronic budget deficit (Davidson and Purohit, 2004:112).

Externally, this land reform resulted in international outrage and an unfavourable opinion. Britain, at that time the labour government led by Tony Blair, was protective of the interests of the white minority and insisted on land reform being based on market mechanisms, which was contrary to the policy pursued by the Mugabe regime. This different stance resulted in deteriorating relations between Tony Blair, Prime Minister of Britain, and the Mugabe regime. Later, it is said that Britain played an important role in the EU's decision to implement sanctions against the regime. Most Western donors, including the World Bank and the IMF, cut aid. Later, Britain also imposed "smart sanctions" that included financial sanctions and travel bans for the regime, particularly the inner circle of President Mugabe, in the belief that smart sanctions would isolate the regime and target the private wealth of the regime (Taylor and Williams, 2002).

The ongoing economic disorder caused by factors inside and outside Zimbabwe reached catastrophic levels. The decline of the country's agricultural sector resulted in food shortages; it was reported that 5.1 million people, approximately 45% of the total population, needed food aid by the end of 2008. This became more serious and 8.5 million people needed food supplies by March 2009. What is worse, the Mugabe regime used food as a tool to demand loyalty in rural areas. It permitted the distribution of maize, the main staple, in rural areas as part of its strategy to retain ZANU-PF's rural support base (Amnesty International, 2008:23).

Under these circumstances, ordinary people's lives were in danger. The economic situation spawned other social problems. A prominent example is the collapse of the health care system. Infant mortality has doubled since 1990. It was reported that the population decreased by four million people between 2002 and 2006 already (AVERT, 2010).³⁹

4-3. Strategic Calculation

In response to the crisis in Zimbabwe, the international community used various means such as imposing sanctions and cutting down the volume of aid. However, there has been no visible

³⁹ AVERT, an international HIV and AIDS charitable organisation, notes that Zimbabwe is experiencing one of the harshest AIDS epidemics in the world (AVERT, 2010).

change in terms of the human rights crisis. Here, the role of neighbouring states in improving the situation in Zimbabwe grew more important. The response of SADC and its member states will be discussed against this backdrop.

In this section, the focus will be on what kinds of rewards were given initially and what punishments meted out by SADC and its member states in order to resolve the human rights crisis in Zimbabwe. Since Zimbabwe was one of the founding member states of SADC, granting membership as a reward as was done in the case of Myanmar, could not be applied. It would be more appropriate to use strategic calculation, coupled with punishment such as suspension. The bottom line is, at the international level, sanctions were mainly imposed by Britain. The US, the EU, Australia, New Zealand, Norway, Switzerland, the World Bank and the IMF have placed sanctions on Mugabe's regime. These did not however bring about the desired results that included the improvement of human rights records.

4-3-1. The Self-interest of Neighbouring States

There are sometimes obstacles to the process of socialisation. For example, the self-interest of neighbouring states can hamper the process. Because of self-interest the neighbouring states often remain silent rather than helping to resolve the human rights crisis even though it is obvious that the crisis in Zimbabwe has had a negative impact on SADC. This is seen in the case of Myanmar as well (see Section 3-3-1). It damaged the reputation and credibility of SADC. SADC was criticised for being unable to deal with a regional crisis concerning human rights (Peters-Berries, 2002:207). It also brought about negative economic consequences for some SADC member states with regard to foreign investment, foreign exchange and tourism, amongst others. Furthermore, the crisis in Zimbabwe negatively influenced the political stability in neighbouring countries which share its borders, such as Botswana, Mozambique, South Africa and Zambia. In the case of South Africa, increased illegal immigration into South Africa became a serious problem. This was directly linked to social problems such as xenophobia in 2008.⁴⁰ The Zimbabwe crisis also damaged the political culture in member states of SADC because they were seen to accept this tyrannical state. Under these circumstances, deeper integration becomes more

⁴⁰ In 2008, a series of riots started in Johannesburg, targeting migrants from Mozambique, Malawi, and Zimbabwe. One of the main causes of the riots was competition for jobs. The incidents left 62 people dead and several hundred injured and resulted in the destruction of immigrant-owned property (BBC News, 2008).

difficult (Peters-Berries, 2002; Bauer and Taylor, 2005; Raftopoulos, 2002). These facts all show that there was clear reason for SADC and its member states to intervene in the situation. Then why did SADC and its member states maintain their unenthusiastic manner? It would seem as if not all members share the same values. That is, definitely, the promotion of human rights was not a top priority for Southern African countries (Nathan, 2006:617).

Here, South Africa was under pressure internationally from Western states, other African countries and even nationally. Since 1994, human rights has been one of the important pillars of South Africa's foreign policy. After, the struggle against the apartheid system the struggle for democracy and respect for human rights became South Africa's foothold regarding its foreign policy. South Africa formulated these values as the fundamental essence of foreign policy "priority" (Alden and Le Pere, 2004:292). Against this backdrop, South Africa was expected to play a more active role in resolving the crisis in Zimbabwe. Under this circumstance, when missions such as the Commonwealth troika were unsuccessful, South Africa's lukewarm manner was criticised (see Section 4-4-1).

Tracing back the history, President Mandela took a strong stance against Nigeria's Sani Abacha and human rights abuses under Abacha's military dictatorship in 1995. At that time, President Mandela called for tougher measures including the expulsion of Nigeria from the Commonwealth and the imposition of an oil embargo. However, that brought about the isolation of South Africa on the African continent. It is said that this experience made President Mbeki careful (Habib, 2009:6). Raftopoulos (2002:415) writes that President Mbeki was sensitive regarding South Africa's role in the region and also wanted to avoid the position that President Mandela had taken on Nigeria, and which had led to a certain isolation of South Africa on the African continent.

It is also said that South Africa pursued its own national economic interests during the Zimbabwe crisis. Lipton (2009:339) gives several examples. Firstly, South Africa was the winner when skilled and well-educated Zimbabwean professionals migrated to South Africa and helped to solve South Africa's human capital problem. Secondly, South African state and private companies could acquire many Zimbabwean companies with little effort. Massive amounts of South African capital flowed into Zimbabwe and South Africa took control of key sectors in

Zimbabwe such as food, agriculture and mining. Also, Soko and Balchin (2009:35) argue that the crisis in Zimbabwe created business opportunities for South African businessmen. There is a strong presence of South African business in Zimbabwe. Up to 60% of the companies listed on the Zimbabwe Stock Exchange are South African. Zimbabwe's trade dependency became heavily tilted towards South Africa. South Africa has become the principal source of Zimbabwe's imports. According to Soko and Balchin (2009:41), out of Zimbabwe's total global imports of US\$1,966 billion in 2006, US\$1,094 billion came from South Africa. Here, Alden (2010:6) provides another perspective. Since Zimbabwe was South Africa's largest trading partner in Africa under the Mbeki government, economic sanctions imposed by Western countries would also have negative economic consequences for South African business. These are some of the cited conflicting interests of South Africa in its policy towards Zimbabwe's political and economic crisis.

There are several explanations for the muted reaction of other neighbouring countries. First of all, it is said that some member states wanted to influence the land transfer issues in their own states by supporting the Mugabe regime. This perspective influenced especially the other former British colonies of Malawi and Zambia in this region. For example, in Malawi, landless farmers considered the Zimbabwean land reform programme as a model that proved that violence could be justified (Prys, 2009:209). In fact, it is argued that Zimbabwe's land reform played a role in influencing an increasing number of cases of land encroachment and invasions of the tea and coffee growing districts in Malawi (Chinsinga, 2008).

Secondly, some member states were afraid of the consequences of destabilisation or collapse in Zimbabwe. Furthermore it was said that some were afraid of a new outbreak of civil war in Zimbabwe (Chinsinga, 2008). If this happened, it might have had a huge impact on the Southern African region. Most countries in the region still suffer from political and economic instability. Therefore, they thought it important to support President Mugabe so that member states could avoid potential side effects of the crisis of Zimbabwe. For the above reasons, SADC member states were reluctant to put pressure on Mugabe.

4-3-2. Rewards and Punishments

In the context of Zimbabwe, conditional aid which was urgently needed for the improvement of the Zimbabwean economy can be seen as one of the triggers of socialisation. The World Bank stopped financial support to Zimbabwe in 1999. Zimbabwe was suspended from access to IMF loans and structural adjustment programmes in 2000. Also, Zimbabwe's creditworthiness was downgraded by these international monetary institutions (Peters-Berries, 2002:208). Under these circumstances, South Africa used "constructive engagement" which was the outcome of the negotiations between finance ministers and central bank governors from South Africa and Zimbabwe. It was expected that this could entice Zimbabwe into dialogue. This constructive engagement included an aid package of US\$ 200-500 million in 2005. This package was conditional on a series of reforms and on new elections. However, South Africa's constructive engagement has been criticised by the West as a line of constant support for and defence of the Mugabe regime (Habib, 2009). Also, Zimbabwe rejected this and condemned the conditionality. Zimbabwe characterised this package as ransom and rejected the aid by criticising "if South Africa wants to help us in good faith, fine, but if they try to hold us to ransom then we won't put up with that" (Prys, 2009:206). As in the case of Myanmar, the rewards which were expected to trigger socialisation in Zimbabwe, did not work well.

Here, the Chinese support of the regime cannot be overlooked. As seen in Section 3-3-2, in the case of Myanmar sanctions were imposed in order to bring about political change. There was however no fruitful outcome because not only neighbouring states but also China maintained close relations with the regime aimed at trade and the acquisition of Myanmar's natural resources. China also supports Zimbabwe, is its second largest trading partner and its largest investor. Sanctions do not work because of this support. China supports the Mugabe regime not only economically but also diplomatically. China vetoed proposed sanctions against the Mugabe regime by the UN Security Council in 2008. This has been criticised by Western states and human rights activists as it weakens the commitment to the improvement of human rights in Zimbabwe (Reuters, 2010).

As a form of punishment, at the 2002 Summit in Angola, President Mugabe was replaced as the deputy chairman of SADC. This was a sign of the region's discontent with President Mugabe's

policies. Member states also prevented him from assuming the chair the following year. However, in 2003, President Mugabe was elected to represent Southern Africa as one of the AU's five regional-chairpersons (Nathan, 2006:612). This happened despite the fact that political leaders in Southern Africa were aware of the human rights abuses committed by the government. This inconsistency was not helpful in resolving the crisis in Zimbabwe. President Mugabe succeeded in gaining the support of African leaders from Angola, Namibia, Mozambique and Tanzania. Davidson and Purohit (2004:119) point out that this support was evident at the meeting of SADC where they discussed Zimbabwe's suspension from the Commonwealth in 2003. Southern African foreign ministers agreed to urge Commonwealth members not to isolate Zimbabwe ("Please don't ban Zim", 2003). Under these circumstances, it was impossible to insist on an improvement of human rights in Zimbabwe while accepting the Mugabe regime as a member of SADC.

4-4. Role-playing

As explored above, the self-interest of neighbouring states contributed to the worsening situation. Both reward and punishment given to Zimbabwe at a regional level did not bear a fruitful result. In this section, it will be discussed what kind of environment was formed for actors to accept the new human rights norm. Checkel (2005:810) explains that when a state has a particular conception of a role, then that state can start role-playing because its actions are appropriate in a particular setting. Regional organisations can play an important role by providing an appropriate environment for member states. In this section, the focus will be on the factors that facilitate or hamper the creation of a favourable environment for resolving the human rights issue in Zimbabwe.

4-4-1. Strong Historical Ties among SADC Member States

In order to discuss an environment that can be favourable or unfavourable to resolving the human rights crisis in Zimbabwe, what cannot be overlooked are the strong historical ties which were formed between the liberation parties in Southern African countries during the colonial era. The leaders of countries like Angola, Namibia, Mozambique and Tanzania share a profound understanding of colonialism and imperialism with President Mugabe. This has been a barrier to the improvement of the human rights situation in Zimbabwe (Alden and Le Pere, 2004:292).

Adolfo (2009:25) describes this split between SADC member states as Marxism versus Liberal democracy or liberation versus post-liberation. The liberation parties in SADC have Marxist-oriented ideological origins. Meanwhile post-liberation states, for example, Botswana, have formally practised multi-party systems and held regular elections without violence. This is compatible with liberal democracy, and Adolfo sees this ideological difference as causing the divide in SADC. These resulted in dividing the SADC into two camps over the Zimbabwean issue. According to Adolfo (2009:24), this split between the liberation group and the post-liberation group hampered SADC's pursuit of regional common goals such as socio-economic improvement and political integration.

There are some other driving forces that must be understood in the historical context, for example anti-colonialism and a strong resistance against Western states. In 2002 the Commonwealth appointed a troika to resolve the situation in Zimbabwe. This troika comprised of the heads of South Africa, Nigeria and Australia. However, no agreement could be reached among these states. For example, the African countries, Nigeria and South Africa, accepted Zimbabwe's 2002 elections as "free and fair". Unlike the US, the UK and the EU that criticised the election as unfair, an AU observer team labelled this election legitimate, free, and fair. Regarding this, the allegation has been made that this was a question of African sympathies and solidarity (Phimister and Raftopoulos, 2004:386). According to Graham (2006:123), President Mbeki was not comfortable with his position in the troika that was supposed to push the Mugabe regime into dialogue and persuade it to change its behaviour. It seems as if he was under pressure from the West, which was advocating strong pressure on the Mugabe regime, and African governments, emphasising the brotherhood derived from history.

Prys (2009:208) argues that most Southern African states share resentment against Western states. They are likely to think that Western donors would like to influence their domestic development. They feel that Western states impose certain principles as a condition before they grant aid. This is an example of the general anti-Western perception that was prevailing in the Southern African region. In particular, these countries were strongly against the conditionality of aid given by Western donors. The former Tanzanian President, Benjamin Mkapa, said "we are tired of being lectured on democracy by the very countries which, under colonialism, either directly denied us the rights of free citizens, or were indifferent to our suffering and yearnings to

break free and be democratic” (Phimister and Raftopoulos, 2004:398). The former President, Bakili Muluzi, of Malawi also said that “donors should not try to teach democracy to Malawians as the country was mature enough to know for itself what was good for it” (Peters-Berries, 2002:210). Peters-Berries (2002:211) points out that this similar political cultural socialisation of the SADC member states adversely impacted on the resolution of the crisis of Zimbabwe.

According to Leys and Tostensen (1982:52), the establishment of SADC in itself showed that the five Front Line states formed strong ties during the wars of liberation. This same experience created a feeling of solidarity which cannot be broken easily and which plays a role in the formation of their foreign policies. Tsvangirai criticises this attitude and calls it “dubious African brotherhood” (Tsvangirai, 2003:131). This can be understood in the same context as Heyns and Stefiszyn’s argument that colonialism created a sense of brotherhood or unity among different African states because they view themselves as victims of an alien, racist, and oppressive structure. Black solidarity, brotherhood and support for former comrades outweigh the need to ensure the rule of law and respect for human rights (Heyns and Stefiszyn, 2006:54). Graham (2006:121) criticises this tendency as ironical because these are among the very values for which the liberation parties fought.

However, recently, SADC has taken stronger action against Zimbabwe. Since SADC has been criticised internationally because of the human rights crisis in Zimbabwe, SADC could have learnt something regarding the organisation’s reputation. Furthermore, SADC could have started thinking about the organisation’s common goal with regard to regional peace and security. At the Double Troika Summit of Heads of State and Government of the SADC, held in Maputo in 2010, the Chairperson of SADC, repeated SADC’s commitment to finding a solution to the political and security challenges in Zimbabwe (SADC, 2010). Thus, it can be seen that the SADC has started the process of socialisation which is crucial for improving the situation of Zimbabwe despite the strong historical ties between leaders of liberation movements which have prevented human rights issues in Zimbabwe from being addressed.

4-4-2. Lack of Activity by Local and Regional NGOs

When the human rights situation worsened, NGOs in Zimbabwe looked for support within the region and from the international community. The Mugabe regime harshly criticised these NGOs

and called them “puppets of the West”. According to Keck and Sikkink (1998), when there is an oppressive regime and no means to improve the human rights situation, local NGOs, in this case Zimbabwean NGOs are likely to look for allies abroad. As already discussed in Section 4-2-2, the Mugabe regime introduced a Non-Governmental Organisations Bill in order to monitor the activities of NGOs which he accused of manipulation. In the end, most foreign NGOs that could form networks with local NGOs stopped their activities due to the political oppression in the country. Because of Zimbabwe’s antagonism toward Western states, these NGOs’ connection was cut (Davidson and Purohit, 2004:119).

At a regional level, there was an attempt to improve the situation when the African Civil Society Consultation of Zimbabwe was held in Botswana in 2003. This provided information, ideas, experiences and strategies to human rights activists. This was the first time a broad range of regional civil societies gathered together and focused entirely on the crisis in Zimbabwe. Unfortunately, this effort was short-lived. The civil society organisations, except those in South Africa, were not strong enough to exert much influence. Therefore the hopes of activists could not be realised (Davidson and Purohit, 2004:124).

Also, for NGOs and civil societies to exert influence, they need strong support from the public. For this, a strong middle class is necessary, but although a middle class is emerging in South Africa and Botswana, there is not much evidence of one in the rest of Sub-Saharan Africa where the personal influence of political leaders is still the dominant force (Lipton 2009:341). Prys (2009:214) also argues that it is normal for leaders to debate behind close doors in the African political context, thereby excluding NGOs. For all these reasons NGOs failed to exert influence on the situation in Zimbabwe.

4-4-3. Limitations of Legal Enforcement

Over the past few decades, the African continent as a whole has seen the development of legal structures in terms of human rights. In 1981, the OAU adopted the ACHPR or the Banjul Charter. It was introduced to promote and protect human rights and basic freedoms in the African continent. The ACHPR was created as an instrument for ensuring that the member states observed the Banjul Charter. Later, when the AU replaced the OAU, the AU accepted that intervention is a necessary part of the commitment to human rights. This was hailed as a

revolutionary step in the history of human rights on the African continent. The AU formally recognised the right to intervene for humanitarian purposes (Nagengast, 2007:11; Williams, 2007:256).

It is also necessary to look at the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM). NEPAD was launched in 2001, was a mandated initiative of the AU and the APRM was proposed as a key element of the NEPAD. The mandate of the APRM was “to encourage conformity in regard to political, economic and corporate governance values, codes and standards, among African countries and the objectives in socio-economic development within the NEPAD”. However, the problem is that participation of the APRM is voluntary. In SADC, only Angola, Lesotho, Malawi, Mozambique, South Africa, and Zambia took part (APRM, 2010). Zimbabwe and other neighbouring countries are not signatories to the APRM, and there is no mechanism to push Zimbabwe under the peer review system (Klotz, 2004:10).⁴¹

At the regional level, in 1994, as soon as SADC was formed, a ministerial workshop called for the adoption of a SADC Human Rights Commission as well as for a SADC Bill of Rights. In 1996, a SADC Human Rights Charter was drafted. In the course of the establishment of the SADC Tribunal in 1997, a panel of legal experts considered the possibility of separate human rights instruments such as a Protocol of Human Rights or a separate Southern African Convention on Human Rights. Many Human Rights-related provisions can be found within SADC’s legal framework. However, Okafor (2004:421) argues that the Charter, the Commission and others in Southern Africa have all been assessed as “weak and ineffectual”. More specifically, as Davidson and Purohit (2004:109) point out, nothing has been effective in pushing the Zimbabwean government to end the violence and repression of its people. The truth of the matter was that when adopting these laws, it was imperative to accept human rights and ratify international norms in order to attain aid from Western donors. However, real practice and operation of these human rights laws were disregarded after gaining aid (Banda, 2006: 21). In

⁴¹ This mechanism consists of five stages: Firstly, a background study and collection of information; secondly, an APRM Review team will visit the country to consult with the government and political entities; thirdly, the report will be prepared; and fourthly, the report is submitted to the participating state. Finally, the recommendation of the report is embedded at regional level (Kanbur, 2004:159).

terms of legal mechanisms, actually, Southern Africa adopted legal structures in terms of human rights earlier than Southeast Asia. However, the implementation did not take place. If a state fails to comply with a SADC tribunal decision, the failure will be referred to the Summit to take appropriate action. Furthermore, according to the SADC Treaty sanctions may be imposed on any member. However, the implementation that is so crucial to bring about change in Zimbabwe did not take place (Change Zimbabwe, 2009).

Bekker (2007:157-158) points out factors that contributed to the failure of the legal framework on the African continent. He mentions institutional weakness, lack of funding, and the lack of independence of the commissioners, the inability to provide restoration to victims of human rights violations and the lack of follow-up in relation to decisions of the Commission. These mechanisms were unable to work and failed to provide a meaningful contribution to resolving the crisis in Zimbabwe. All in all, despite all the legal frameworks, there are no enforceable mechanisms that can check and monitor the crisis in Zimbabwe.

4-5. A Breeze of Change?

Even though President Mugabe still maintains power and pressure in the form of sanctions did not change the situation in Zimbabwe, it cannot be overlooked that numerous efforts were made at a regional level to create a favourable environment for improving the human rights situation in Zimbabwe. In 2001, a Zimbabwe Task Force was formed under the leadership of President Bakili Muluzi of Malawi, chairman of SADC. The Task Force team travelled to Zimbabwe and called for dialogue with the opposition and for the restoration of law and order. This was the first time in SADC's history that member states joined in publicly criticising another member state (Prys, 2009:204).

In 2001, at the extraordinary SADC Summit held in Windhoek, member states tried to open channels of communication with the Mugabe regime. There was a series of high-level meetings and ordinary and extraordinary SADC summits. At that time, South Africa and Mozambique were actively involved in order to stop the situation from getting more serious. The SADC leaders repeatedly urged the Mugabe regime to respect the rule of law and human rights (Peters-Berries, 2002:206). During the Extraordinary SADC Summit in Blantyre in Malawi, in 2002, member states called upon Zimbabwe to show respect for human rights, for freedom of opinion

and association and for the transfer of occupiers of non-designated farms to legally acquired land (SADC, 2002). However, Peters-Berries (2002:207) points out that most of the member states avoided criticising Zimbabwe openly. They chose to hide behind the multilateral position taken by SADC.

In this situation, it should be noted that the former President of Zambia, Levy Mwanawasa, criticised President Mugabe. President Mwanawasa was one of the first African leaders to publicly criticise the Mugabe regime (“Summit Bids to End Mugabe Impasse”, 2008). Here, it should be noted that Botswana expressed their dissatisfaction with the situation in Zimbabwe and openly put pressure on the Mugabe regime by saying that President Mugabe should either open up Zimbabwe to reform or resign (Prys, 2009:214). Ian Khama, the President of Botswana, reportedly threatened to take action against Zimbabwe unless SADC took up a stronger stand. Namibia's former president, Sam Nujoma, was a loyal Mugabe supporter, but his successor, President Hifikepunye Pohamba, did not share the same sentiments (IRIN, 2008).⁴² It is observable that the stances of neighbouring states have slowly changed. It can also be seen that not all of the African member states of the Commonwealth supported the SADC’s position. For example, Kenya and Ghana agreed with the suspension of Zimbabwe from the Commonwealth (Abraham, 2004:161). Criticism, while generally ineffective on its own, could succeed if backed by African voices. Therefore, if this continental sentiment or concern is wider, it will be easier to improve the human rights situations in Zimbabwe.

Recently, South Africa seems to be taking a tougher stand towards Zimbabwe as well. Since 2009, under President Zuma’s leadership, it is said that South Africa has sent different signals. Even when he was the President of the ANC in December 2007, Zuma already expressed the criticism that the Mugabe regime and President Mbeki’s quiet diplomacy influenced the split over the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) (Human Sciences Research Council, 2008: 23). In 2004, the COSATU delegation was dispatched on a fact-finding mission. However, they were refused entrance. The strong criticism from COSATU sometimes causes conflict with not only the Zimbabwean government but also the ANC. The ANC criticised this plan as “irresponsible”. The South

⁴² IRIN, which is part of the UN Office for the Coordination of Humanitarian Affairs, provides humanitarian news and analysis about sub-Saharan Africa, the Middle East, and parts of Asia (IRIN, 2010).

African government reacted to this by stating that Zimbabwe is a sovereign country with the right to take any action it wishes under its immigration laws. Especially, COSATU has voiced strong criticism toward the government in Zimbabwe, since the MDC is composed of predominantly trade unionists, that is ZCTU. This criticism can be understood in the context of strong bonds between the two trade unions movements (Meissner, 2005:15).

Inside Zimbabwe, the MDC pursued a policy to mobilise regional and international support. Tsvangirai actively carried out regional lobbying. When Tsvangirai left Zimbabwe as an exile, in Botswana and in South Africa, he used personal relations to gain diplomatic support. It is said that to some extent, he has succeeded in winning regional sympathy within SADC member states such as Botswana, Mozambique, Rwanda and Zambia and in Kenya and Nigeria. Furthermore, in 2008, he was invited, for the first time, to the SADC meeting in Zambia. This is significant in that it shows that he was accepted as a key player in resolving the Zimbabwean crisis by SADC member states (Human Sciences Research Council, 2008:15).

Tsvangirai not only met with SADC leaders, he also had meetings with civil society organisations. Tsvangirai also met with AU leaders and other influential leaders in the West. Tsvangirai travelled to Europe where he had meetings with leaders in Sweden, the UK, the Netherlands and Norway. He also briefed the EU Secretariat in Brussels on the political situation in Zimbabwe. As a result, the MDC came to be seen as a “viable alternative to the ZANU-PF” (Meissner, 2005:10-12). By gaining this symbolic status, Tsvangirai could gain support from abroad, and later the MDC could share power with the ZANU-PF after the 2008 election.

Even though, the elections in Zimbabwe in 2008 were regarded as flawed, the SADC settlement, signed in September 2008, forced a power-sharing arrangement between the ZANU-PF and the MDC with a division of power. More specifically, Mugabe became President and chairperson of the Cabinet and Tsvangirai became Prime Minister and chairman of the Council of Ministers; they were supposed to share executive power. This was the most remarkable change in the history of Zimbabwe since President Mugabe was elected into power (Booyesen, 2009:154).⁴³

⁴³ Nevertheless, Alden (2010:7) argues that this SADC mediation in 2008 was tilted towards President Mugabe and forced Tsvangirai to accept the secondary role as prime minister.

In conclusion, at the moment, neighbouring countries which had strong ties with Zimbabwe which were formed throughout their history of liberation, are beginning to criticise the Mugabe regime. Various meetings have focused on the crisis of Zimbabwe and SADC has put effort into creating a favourable environment for actors to criticise the government of Zimbabwe. However, there is still a lack of active participation by NGOs due to the oppression of the regime and a lack of support from the public. Also, no effective legal framework at the regional and continental level can be imposed on the issue of Zimbabwe. Even though a SADC Human Rights Charter was drafted, the success of the APRM depends on the voluntary participation of the government concerned and on strong political will. Nevertheless it does seem as if a soft wind of change has begun to stir.⁴⁴

4-6. Conclusion

In this chapter, the human rights crisis in Zimbabwe was discussed. Many human rights violations took place because the Mugabe regime wanted to retain power. In the process of doing so, the regime used violent methods. During the series of elections since 2000, violence has been used against the opposition party and its supporters. Also, as a result of the process of pushing forward the land reform programme, and other reasons, national and international, the economy has rapidly deteriorated.

Under these circumstances, the regional organisation and its member states initially showed a supportive attitude towards President Mugabe. These Southern African countries have shared a common history of colonialism and liberation struggle. Since most of them gained independence relatively recently, their sensitivity to the norm of non-intervention is strong. This made it difficult for neighbouring countries to criticise the Mugabe regime openly. Also, the self-interest of neighbouring countries formed an obstacle to resolving the crisis in Zimbabwe. For example, South Africa gained economic opportunities from the crisis in Zimbabwe and other countries

⁴⁴ This concept was borrowed from “The Wind of Change” speech made by British Prime Minister Harold Macmillan to the Parliament of South Africa, in 1960 in Cape Town. “The wind of change is blowing through this continent. Whether we like it or not, this growth of national consciousness is a political fact”. The speech was historically important. The speech implied that the British government intended to grant independence to its colonies. Subsequently, most of the British colonies in Africa became independent in the 1960s (“1960, Macmillan Speaks of ‘Wind of Change’ in Africa”, 2010).

were afraid of negative political economic consequences in the aftermath of the collapse of Zimbabwe. Therefore these countries were slow to intervene. Recently, however, there seems to be a change in attitude.

According to the report of Southern Africa Trust (2009), civil societies in the region recognise SADC as a key player with the potential to make or break the transition process. From recent statements, it is evident that the SADC is willing to take on this role. As Taylor and Williams (2002:564) argue, a mixture of diplomatic persuasion and pressure that encourages other states in Southern African to adopt more proactive and constructive policies may help to accelerate this process.

5. Conclusion

The aim of this thesis was to examine how certain regional organisations successfully socialise their member states into accepting human rights norms. In order to find answers, the cases of ASEAN and SADC regarding the human rights crises in Myanmar and Zimbabwe were examined. Myanmar and Zimbabwe both have dire human rights records. For example, Zimbabwe has experienced human rights abuses mainly because of the Mugabe regime's aspiration for long term power. In the case of Myanmar, ethnic factionalism is one of the major factors that resulted in brutal suppression by the military regime, and an attempt to integrate ethnic minorities into the dominant Burmese Buddhist society. Ethnic minorities chose armed struggle in response and the repression by the military regime became more violent.

Simultaneously the economic situations in both countries deteriorated. Myanmar's series of anti-governmental protests were initially transformed from people's discontent with the government's economic mismanagement such as demonetisation and the abrupt rise in the price of basic commodities. In 2008, Tropical Cyclone Nargis made the situation in Myanmar even worse by destroying the country's farmland, which brought about food shortages. Many people were exposed to serious human security problems in the aftermath of this natural disaster. In Zimbabwe, the excessive redistribution of land by the government had an adverse effect and led to a deficit. The land reform programme of 2000, conducted in the name of redress of historical injustice, led to a massive exodus of white farmers who had owned most of the land. As a result, Zimbabwe lost their skills and infrastructure. In contrast to the original stated intention, this land reform was conducted unfairly and most of land was given to those who support President Mugabe; also the process involved violence. Unfortunately international sanctions, the aim of which was to improve the human rights situations in both countries, ultimately made ordinary people's lives more difficult. Under these circumstances, basic rights, not only political and economic but also social, that is the right to access to basic education and healthcare, could not be provided by these two governments.

Even though the background to the human rights abuses is different, both governments used violent methods to maintain their power and were heavily criticised by mainly Western states and international NGOs. These furthermore pressurised the regional organisations to which these

countries belong, ASEAN and SADC, to play important roles in improving and resolving the human rights situations in Myanmar and Zimbabwe. However, because of the non-intervention norm which was deeply rooted in these regions, improvement of the situations did not take place. However, recently, ASEAN has taken up a different stance by taking a series of strong actions against Myanmar. In 2006, when it was Myanmar's turn to chair the ASEAN meetings, member states united to block this and were successful. Furthermore, ASEAN adopted a legal framework in terms of human rights for the first time in the region, the AHRB. These events show that ASEAN member states are now likely to discuss and resolve the regional problems even though they are related to neighbouring countries' internal affairs. On the other hand, the SADC member states are still lukewarm regarding the Zimbabwean human rights crisis. These different stances became the starting point of this thesis, that is, why ASEAN has relaxed the long-embedded non-intervention norm while SADC seems still to honour it.

In order to address this question, the thesis focused on the process of socialisation looking at how the non-intervention norm has changed and how a human rights norm has evolved in these regions. Socialisation is defined as "a process through which actors adopt norms, values, attitudes and behaviour which are preferred in a society" (Freedman and Freedman, 1981:258). There are three mechanisms that result in socialisation, namely strategic calculation, role-playing and normative suasion. Strategic calculation involves rewards or punishments. An actor is likely to consider what it can gain or try to avoid a punishment by complying with a new norm. Strategic calculation is based on actors' rationality; however, this calculation is important in the sense that strategic calculation can be the starting point of changing the behaviour of actors. Role-playing means creating environments in which actors can act properly. When role-playing takes place, what is important is intensive and long-term interaction between actors such as diplomats and nowadays the involvement of NGOs in the decision-making process. As a result of these procedures, normative suasion takes place; that is, actors adjust themselves in order to internalise and habitualise new norms. Thereafter, the actors take the new norms for granted. These mechanisms were applied in both cases (Myanmar/ASEAN and Zimbabwe/SADC) and the results are as follows.

In the case of the ASEAN and Myanmar, membership to ASEAN was at first given to Myanmar as a reward. By granting membership to Myanmar, ASEAN and its member states expected to

induce Myanmar to improve its human rights situation. However, the government in Myanmar used the opportunities for maximising trade with ASEAN member states, and most importantly, the regime used this as a chance of legitimating the regime and protecting it from Western condemnation. However, when ASEAN blocked the regime's chairmanship of the organisation in 2006, the regime experienced strong resistance from the neighbouring states. This induced the regime in Myanmar to pledge to improve the situation in order to restore the relations with ASEAN and it established a new constitution in 2008 that prevents the military regime from interfering in the legislative process. Also, ASEAN adopted the AHRB, a human rights mechanism that can monitor and regulate regional human rights issues as a whole through active interaction among member states. These examples show that now the ASEAN discusses and intervenes in its member states' internal affairs and that the traditional norm of non-intervention has become more relaxed in this region.

Zimbabwe was one of the original members of SADC, and therefore rewards such as granting membership could not be applied. In addition, other rewards such as aid packages and punishments like suspension from the Commonwealth and sanctions all failed to change the situation in Zimbabwe. Here, at the continental and regional level, a legal framework that could regulate human rights violations already existed, however these mechanisms failed to make a significant contribution to resolving the crisis in Zimbabwe. Also, it can be noted that SADC was divided in two camps, those who support the Mugabe regime (Angola, Namibia and Tanzania) and those who do not (Botswana, Malawi and Zambia). These all make it difficult to resolve the human rights situation in Zimbabwe.

Through this comparative study, the finding is that the regional organisation's role is important in the process of socialisation, that is, in the acceptance of a new norm. It can provide an arena where actors can interact, communicate with each other, and through this process learn a new role. Also, what should be noted is that regional organisations, for example ASEAN, can interact with other international organisations such as the EU and other actors, states and NGOs. In the process it can be seen that the organisation is also socialised.

Here, factors that contributed to creating favourable or unfavourable environments for these regional organisations' socialisation will now be discussed. First of all, this thesis suggests that

the difference between the stances of the two regional organisations cannot be detached from history and can be traced back to the process of gaining independence. This influenced the member states' relations. In Southern Africa, Zimbabwe and the Front Line states were involved in armed struggles against racist minority governments and colonial rule and this contributed to a sense of solidarity among liberation movements and the states they inherited. This still heavily influences these states and leads to their not wishing to criticise each other. In Southeast Asia, the experiences of gaining independence varied. Even though Vietnam's anti-colonial struggle was strong, in the case of Cambodia, Laos, Malaysia and Singapore, anti-colonialism did not surface. Cambodia and Laos were under French rule, the French mixed direct and indirect rule, and did not focus on these two countries. Malaysia and Singapore were run by the British as a "showcase of benevolent foreign rule". Thailand could retain its independent status. It is said that only Vietnam and Indonesia resisted the colonial policies of discrimination and exploitation (SarDesai, 2003:204). As a result, these states did not have any shared common experience which could lead to the shaping of a common identity. Also, so-called Konfrontasi which means dispute and rivalry among countries in Southeast Asia, is strong. These historical backgrounds influenced the formation of these two regional organisations as well. In the case of SADC, the great cost of liberation brought about the solidarity of the region.

Also, Lipton (2009:340) argues that African leaders are sympathetic towards President Mugabe. The situation in Myanmar is different. Actually, the junta initially had a close relationship with some political leaders in ASEAN member states such as with President Suharto in Indonesia and with the Prime Minister of Malaysia, Mohammed Mahatir. After these old generation leaders stepped down from power, the junta lost support and Myanmar could no longer find political allies in the region. The advent of an upcoming new generation of political leaders in the SADC is having the same effect. It is said that Botswana and other countries with younger leaders such as Zambia, are now more willing to speak out on the issue of Zimbabwe (Hanson, 2008).

Secondly, in the late 1990s, Southeast Asia became receptive to adopting the human rights norm because after the financial crisis in 1997. Even though the concept of Asian Values was prevalent in the early 1990s, it faced strong pressure from international organisations such as the IMF and the World Bank. Robinson (1996:89) points out that Southeast Asia has faced strong pressure from the West when it comes to human rights norms. For example, Southeast Asia relied heavily

on the US for its defence and for economic cooperation, and the US used the politics of “security” to push these states to adopt human rights norms.

Also, Southeast Asian countries began to play an important role in international organisations. This forced these countries to conform to external norms. Here, to some extent, the rivalry between member states of ASEAN eventually contributed to the acceptance of these norms. ASEAN member states competitively adopted new norms to improve their reputations. On the other hand, in SADC, the region clearly emphasised anti-colonialism, anti-imperialism and anti-apartheid values. In Southern Africa, the resistance to Western ideas has influenced their willingness to adopt the human rights norm. Also, there was no state that played the role of regional leader. Considering its political and economic influence in the region, South Africa was expected to do so, but the Mbeki regime preferred the so-called “quiet diplomacy”; it did not want to be isolated as a result of addressing such a sensitive issue in the region. It did not want to criticise a leader who had shared the experience of fighting for freedom from white minority rule and colonialism.

Thirdly, in the realm of foreign policy, the personal influence of political leaders is significant. Nevertheless, in the process of interpreting and implementing external norms, various actors can be involved, including NGOs. In the case of Myanmar, the NGOs in the neighbouring countries actively discussed and embraced the new human rights norms. These various actors encouraged their own governments to pressurise the Myanmar regime. However, in the case of Zimbabwe, the participation of NGOs at the regional level is limited. The only NGOs with sufficient influence are those in South Africa. Here, the existence of a middle class is important as well. ASEAN member states have achieved a certain amount of economic development, and simultaneously the power of the middle class has increased. Moreover, this middle class is now aware of the human rights situation in their own countries and in neighbouring countries. In Southern Africa a middle class has emerged in South Africa and Botswana primarily. This difference has affected the ease with which a favourable environment for resolving the human rights crisis can be created. Here, the role of local, indigenous NGOs in Myanmar and Zimbabwe should not be overlooked. Even though the NGOs’ connections with neighbouring states is important, it should be realised that there are strong internal voices in Zimbabwe. Even though it has limited power, the MDC, based on civil society, is now sharing power with the ruling

government, and the MDC is widely recognised as an alternative after the stepdown of President Mugabe. On the contrary, in the case of Myanmar, there is only a government in exile and the opposition party still faces barriers to participating in election campaigns. Also, ordinary people's political apathy in Myanmar resulting from the atmosphere of terror can be a barrier.

Fourthly, SADC has been equipped with a good institutional framework regarding regional integration. For example, according to Nathan (2006:619), one of the SADC's founding documents noted that "the envisaged process of integration would entail a shift in the locus of exercising sovereignty from the national to the regional level". Furthermore, in terms of human rights, already in 1996, the SADC secretariat foresaw that the organisation would be mandated to monitor the performance of member states in the field of human rights, democracy and the rule of law. However, during the finalisation of the Organisation's Protocol in 2000, this was excluded from the document. This shows that even though the regional organisation created an institutional form, without the consensus and normative congruence to accept it, this can be just hollow propaganda.

When it comes to the acceptance of external norms such as human rights, the support of member states is necessary, here, the member state's level of democracy is important. If many states of these two regional organisations become liberal democracies, this will create a favourable environment which can bring about long-term outcomes of socialisation. Then target states can quickly and smoothly adopt fundamental liberal norms of state organisation and conduct, and do as others do. This outcome can be seen in the case of the EU and ex-communist Central and East European countries (Schimmelfennig, 2005:835-836). Schimmelfennig (2005:835-836) notes that "if all major parties base their legitimacy claims and programs on liberal reform", the adaptation to democracy or human rights will be likely. This can be applied to states in these two regions as well.

The Chinese support for these countries can serve as an important aspect affecting human rights issues in both regions. China is willing to provide economic aid to both regions and has already done so. This means that other countries who attempt to improve the human rights situations in these countries can lose important leverage as long as China provides these countries with economic and diplomatic support. For example, in the case of Myanmar, the military junta

visited China in September, 2010 to strengthen the relationship between them. China has already invested heavily in hydropower, oil and gas in Myanmar and rose to the third largest trading partner and investor after Thailand and Singapore in 2009 (“China Extends Welcome to Than Shwe”, 2010). In the case of Zimbabwe, President Mugabe openly expressed his gratitude to China regarding its continuing economic and diplomatic support despite Western condemnation.

In this thesis there was an attempt to answer the question why a certain regional organisation is successful in socialising a target state, while another is not. The favourable and unfavourable conditions which influenced this socialisation process were discussed by analysing the cases of ASEAN/Myanmar and SADC/Zimbabwe using the three mechanisms which can lead to socialisation. The bottom line is that ASEAN has become more accustomed to international principles, such as human rights norms while SADC is still intolerant of condemnation by the West. Furthermore, there are strong historical bonds between the leaders of the former liberation movements in Southern Africa. These bonds make leaders of other countries unwilling to criticise the human rights issue in Zimbabwe. This prevents the mechanisms of socialisation from working effectively.

Here, it should be noted that the mechanisms of socialisation were derived from the experience of the EU. As already mentioned as a limitation, the socialisation process does not seem to consist simply of these three mechanisms. Also, it should not be overlooked that it takes a long time for people to internalise and habitualise human rights norms in everyday practice. Therefore, a more sophisticated and minute framework which can supplement and make up for the gaps between each mechanism should be developed. With regard to this, the unique regional characteristics such as the historical background, the level of democratisation, the level of integration and the effectiveness of regional organisations should be considered.

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International Monetary Fund	www.imf.org
National Coalition Government of the Union of Burma	www.ncgub.net
Southern African Development Community	www.sadc.int
US Committee for Refugees and Immigrants	www.refugees.org
World Health Organization	www.who.int